

By Mr. VREELAND: Petition of citizens of Centralia and Mayville, N. Y., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of Fred E. Bonsteel and other druggists of Jamestown, Fredonia, and Dunkirk, N. Y., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of citizens of Gowanda, N. Y., urging the passage of the Lacey bill for the protection of wild birds and game—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Dunkirk, N. Y., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. WISE: Papers to accompany House bill granting a pension to Thomas Allen, late a private in Company L, Fourth Virginia Infantry, in late Spanish-American war—to the Committee on Pensions.

By Mr. YOUNG: Petition of the League of American Sportsmen, favoring the passage of House bills 6634 and 6062, for the preservation and protection of wild game and perpetuating the American buffalo—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Botanical Society of Pennsylvania, in favor of a national park being made of the Calaveras grove of sequoias, in the State of California—to the Committee on the Public Lands.

Also, letter of H. L. Scott, favoring Government distribution of blackleg vaccine—to the Committee on Agriculture.

Also, petition of Lawrence Keohane and Minerva J. Hartzman, of Philadelphia, Pa., urging the passage of House bill No. 4728, relating to leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

Also, resolutions of the Chicago Federation of Labor, against sundry bills taxing oleomargarine and butterine—to the Committee on Ways and Means.

Also, petition of Cyrus D. Hottenstein, asking for relief—to the Committee on Claims.

By Mr. ZENOR: Resolutions of Jeffersonville Post, No. 86, and Magnus Brucker Post, No. 234, Grand Army of the Republic, of Jeffersonville, Ind., in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

## SENATE.

THURSDAY, March 29, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

### LEGATION BUILDING AT BANGKOK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a further dispatch from the minister of the United States at Bangkok, Siam, stating the reason why an appropriation of \$2,000 for repairing the legation premises and grounds at that place should be made.

Mr. HALE. That matter has already been acted upon, and I move that the communication and accompanying papers be printed and referred to the Committee on Appropriations.

The motion was agreed to.

### OLD COURT-HOUSE PROPERTY IN INDIANAPOLIS, IND.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect, submitting an estimate of appropriation to pay rent for the remainder of the current fiscal year for the portion of the old court-house and post-office property formerly belonging to the United States in the city of Indianapolis, Ind., \$4,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

### INSULAR TARIFF COLLECTIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 22d instant, the tariff schedules now in force and effect in Cuba, Puerto Rico, and the Philippine Islands, together with statements showing the amount of revenues collected from tariff duties in Cuba from January 1, 1899, to January 31, 1900, and in the Philippine Islands from date of military occupation to December 31, 1899, etc.

Mr. HALE. Let that communication be printed.

The PRESIDENT pro tempore. In the absence of objection, the communication, with the accompanying papers, will be printed. To what particular committee shall the communication be referred?

Mr. HALE. I suppose it should go to the Puerto Rican Committee.

The PRESIDENT pro tempore. It relates to the tariff in the Philippine Islands and Puerto Rico, as well as Cuba and Guam.

Mr. HALE. Does the communication refer to the tariff duties in all of the different islands?

The PRESIDENT pro tempore. In all of the islands.

Mr. HALE. Then let it go to the Committee on Finance.

The PRESIDENT pro tempore. That reference will be made, in the absence of objection.

### AGES OF EMPLOYEES IN EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 16th instant, certain information relative to the number of persons employed in the Navy Department and bureaus as clerks, messengers, etc., between certain ages, and the number now on the rolls who are permanently incapacitated, etc.; which was ordered to lie on the table, and be printed.

### TRANSPORT SHIPS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 9, 1900, a letter from the Quartermaster-General United States Army, and accompanying statements, relative to the transport ships and other vessels purchased or chartered by the War Department since March 4, 1897, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

### CLAIMS OF NEZ PERCE INDIANS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a decision in relation to the claims of certain Nez Perce Indians for compensation for services claimed to have been rendered by them as scouts, couriers, and messengers under Gen. O. O. Howard in 1877; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 733) concerning the boarding of vessels.

The message also announced that the House had passed the bill (S. 3207) approving a revision and adjustment of certain sales of Otee and Missouri lands in the States of Nebraska and Kansas.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes; and

A bill (H. R. 9279) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

The message also announced that the House had passed a bill (H. R. 911) to amend section 1176 of the Revised Statutes of the United States; in which it requested the concurrence of the Senate.

### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes; and it was thereupon signed by the President pro tempore.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the congregation of the First Methodist Episcopal Church of Dunkirk, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

Mr. DAVIS presented a memorial of the Commercial Club of St. Paul, Minn., remonstrating against the enactment of legislation to prevent the use of trade checks; which was referred to the Committee on the Judiciary.

He also presented a petition of the Commercial Club of St. Paul,

Minn., praying that an appropriation of \$250,000 be made for the reclamation and settlement of arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. FAIRBANKS presented a petition of Blinn Camp, No. 82, Sons of Veterans, of Terre Haute, Ind., praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented petitions of M. O'Connor & Co., Severin & Co., Kothe, Wells & Bauer, J. C. Perry & Co., John L. Moore, C. A. Schrader, Schnull & Co., and the Indianapolis Fancy Grocery Company, all of Indianapolis, in the State of Indiana, praying for the reorganization of the consular service; which were referred to the Committee on Foreign Relations.

Mr. QUARLES presented a petition of 400 citizens of White-water, Wis., remonstrating against the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

Mr. PERKINS presented a petition of the Board of Trade of Oakland, Cal., praying for the establishment of a department of commerce and industries; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Los Angeles, Cal., praying for the passage of the bill to provide against nuisances; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that certain relief be extended to the people of Alaska, etc.; which was referred to the Committee on Territories.

He also presented a petition of the health department of Oakland, Cal., and a petition of the Merchants' Exchange of Oakland, Cal., praying for the enactment of legislation to prevent the adulteration of foods, drugs, etc.; which were referred to the Committee on Manufactures.

Mr. KYLE presented the memorial of O. O. Stokes and 76 other citizens of Harding, S. Dak., and the memorial of John Hayes and 150 other citizens of Fort Pierre, S. Dak., remonstrating against the leasing of the public lands for grazing purposes; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Erwin, S. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and Government buildings, etc.; which was referred to the Committee on Military Affairs.

He also presented a petition of Prairie Lodge, No. 170, Brotherhood of Locomotive Firemen, of Huron, S. Dak., praying that all the remaining public lands be held for the benefit of the whole people, etc.; which was referred to the Committee on Public Lands.

He also presented the petition of C. B. Thompson, and 31 other citizens of Alsen, S. Dak., praying for the enactment of legislation imposing a tax of 10 cents per pound on oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Federation of Labor, of Chicago, Ill., remonstrating against the enactment of legislation to increase the tax on butterine; which was referred to the Committee on Agriculture and Forestry.

#### CLAIMS OF EASTERN CHEROKEES.

Mr. JONES of Arkansas. By request, I present a memorial of the delegates representing the Cherokee Nation in the city of Washington, remonstrating against the right of the executive committee of the council of the Eastern Cherokees to make a claim for the immediate payment to the Eastern Cherokees of the money found due them, etc. I move that the memorial be printed as a document, and referred to the Committee on Indian Affairs.

The motion was agreed to.

#### COTTON INDUSTRY IN CHINA.

Mr. NELSON. I present a statement from John Goodnow, consul-general of the United States at Shanghai, on the cotton industry in China. It is very short, and I move that it be printed as a document.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 7939) to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, reported it without amendment.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 773) to remove the charge of desertion from Augustus C. Pettengill, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 3303) authorizing the Secretary of War to provide condemned cannon and carriages for ornamentation purposes in the national cemetery at Knoxville, Tenn., reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 2053) to remove the charge of desertion from the name of Joseph McGraw, reported it with an amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 7594) granting a pension to Amelia Taylor, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8128) to establish light and fog signal at Browns Point, in Puget Sound;

A bill (S. 3639) authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay; and

A bill (S. 3530) to fix the compensation of surfmen employed in the Life-Saving Service of the United States.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment proposing to appropriate \$100,000 for the purchase of 10 acres of land in the District of Columbia for a municipal hospital, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3268) granting an increase of pension to James W. Kessler;

A bill (H. R. 493) granting a pension to Fanny M. Hays;

A bill (H. R. 5209) granting an increase of pension to Samuel A. Greeley;

A bill (H. R. 6304) granting an increase of pension to James J. Lyons;

A bill (H. R. 2397) granting a pension to Eliza S. Redfield;

A bill (H. R. 3635) granting an increase of pension to Timothy B. Eastman;

A bill (H. R. 3085) granting an increase of pension to William Sheppard;

A bill (H. R. 2999) granting an increase of pension to George M. Brown;

A bill (H. R. 5110) granting an increase of pension to Edward T. Kennedy;

A bill (H. R. 4828) granting a pension to Susie E. Johnson;

A bill (H. R. 240) granting an increase of pension to George W. Wakefield;

A bill (H. R. 5211) granting a pension to Lizzie M. Dixon;

A bill (H. R. 3021) granting a pension to Eliza H. Getchel;

A bill (H. R. 8120) granting an increase of pension to David L. Wentworth;

A bill (H. R. 6952) granting a pension to Carrie P. Dale; and

A bill (H. R. 457) granting a pension to Clara L. Harriman.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the resolution submitted by Mr. ALLEN on the 24th instant, calling on the Secretary of War for certain information in regard to the soldiers, volunteer and regular, in the Philippine Islands, the number who have been killed and died from wounds since August 1, 1898, etc., reported it with an amendment.

#### CLERICAL ASSISTANCE FOR COMMITTEE ON PENSIONS.

Mr. JONES of Arkansas, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. GALLINGER on yesterday, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Committee on Pensions be authorized to employ additional clerical assistance in connection with the work of said committee, to continue until the close of the present session of Congress, provided that the aggregate amount so expended shall not exceed \$500, the same to be paid out of the contingent fund of the Senate, on vouchers approved by the chairman of said committee.

#### BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3881) granting an increase of pension to Henry D. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3882) for the relief of Mary E. Parker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. BATE introduced a bill (S. 3883) for the relief of the heirs of C. C. Moore, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 3884) for the relief of the



heirs and legal representatives of Edwin E. Saunders, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3885) granting an increase of pension to Henry Baker, alias Thomas Jones;

A bill (S. 3886) granting an increase of pension to Edward E. Curran;

A bill (S. 3887) granting a pension to A. F. Shields;

A bill (S. 3888) granting a pension to Charles F. Kimmel;

A bill (S. 3889) granting a pension to John Rhoades; and

A bill (S. 3890) granting an increase of pension to Americus V. Rice.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3891) to correct the military record of James Cahoon;

A bill (S. 3892) granting an honorable discharge to W. D. Moore;

A bill (S. 3893) granting an honorable discharge to George W. Hendrixson, alias George Wright;

A bill (S. 3894) to remove the charge of desertion from the military record of Hiram B. Bell;

A bill (S. 3895) to muster into the volunteer service of the United States John H. Clark; and

A bill (S. 3896) granting an honorable discharge to James A. Smith, deceased.

Mr. JONES of Arkansas introduced a bill (S. 3897) to authorize the Chickasaw Nation of Indians to bring suit against the Chickasaw freedmen and the United States in the Court of Claims, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. KENNEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3898) to pension certain soldiers who served in the war of the rebellion;

A bill (S. 3899) granting a pension to James Cook; and

A bill (S. 3900) granting a pension to Sarah Clark.

Mr. QUARLES introduced a bill (S. 3901) providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MARTIN introduced a bill (S. 3902) to remove the charge of desertion against Michael Hayes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3903) for the relief of William Fowler, administrator de bonis non of Hickman Fowler, deceased;

A bill (S. 3904) for the relief of the estate of Elisha B. Clapp, deceased;

A bill (S. 3905) for the relief of Mrs. S. F. Prestridge;

A bill (S. 3906) for the relief of the estate of Presley W. Harden, deceased;

A bill (S. 3907) for the relief of Mary N. Westmoreland;

A bill (S. 3908) for the relief of Alfred O. Williamson; and

A bill (S. 3909) for the relief of Matthew N. Grimmer.

Mr. KYLE introduced a bill (S. 3910) to correct the military record of Samuel J. Coyne; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 3911) to provide for restoring to national jurisdiction a part of that portion of the original District of Columbia which lies south of the Potomac River for founding a city to be called the city of Lincoln, and for establishing an institution of learning to be known as Washington and Lincoln Memorial University; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. JONES of Arkansas introduced a bill (S. 3912) for the relief of Mrs. Mary E. Parker; which was read twice by its title, and referred to the Committee on the Judiciary.

#### AMENDMENTS TO PUERTO RICAN BILL.

Mr. PETTUS. I desire to present some amendments to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes, and ask to have them printed and lie on the table, if that will be sufficient notice under the general-consent agreement.

The PRESIDENT pro tempore. The amendments will be received, printed, and lie on the table.

Mr. PETTUS. And that will operate as notice?

The PRESIDENT pro tempore. The Chair so understands.

Mr. FORAKER. I give notice that at the proper time I shall propose the amendment which I send to the desk to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes. I ask that the amendment may be printed and lie on the table.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. PROCTOR submitted an amendment proposing to appropriate \$500,000 to enable the Secretary of War to purchase the letters patent covering the Isham high-explosive shell and the exclusive and entire right for the United States to manufacture and use the high explosive "thorite," intended to be proposed by him to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT of New York submitted an amendment proposing to appropriate \$40,000 to enable the Secretary of the Interior to cause to be assembled at the city of Buffalo, in the State of New York, representatives of different Indian tribes, as a part of the Pan-American Exposition, to be held at that city from June 1, 1900, to November 1, 1900, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### ARMY SUPPLIES.

Mr. BERRY. Mr. President, I desire to present an amendment which I intend to propose to the Army appropriation bill, and inasmuch as I wish to call the special attention of the Military Committee to the amendment, I desire to make a very short statement.

Under the present law, section 3716 of the Revised Statutes, the Quartermaster-General in obtaining supplies for the military service is required to give preference to articles of American growth, production, and manufacture. I do not wish to change that in any way, but I wish to amend the provision by providing that as between merchants, manufacturers, and producers preference in those purchases shall be given to those merchants, manufacturers, and producers who are not members of any trust or combine.

I move that the amendment be printed and referred to the Committee on Military Affairs.

The motion was agreed to.

#### INFORMATION AS TO SICK AND WOUNDED SOLDIERS.

Mr. CULBERSON submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring), That upon receipt of information by them that any officer, soldier, marine, or seaman in the Army or Navy of the United States has been wounded, the Secretary of War or the Secretary of the Navy, as the case may be, shall, from time to time, at the expense of the United States, keep the family of such officer, soldier, marine, or seaman seasonably advised of his condition.*

#### FINDINGS OF COURT OF INQUIRY.

Mr. JONES of Arkansas. I present the resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read as follows:

*Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate a copy of the minutes, proceedings, and findings of the court of inquiry pursuant to the President's instructions of February 20, 1899, together with the final report of said court of inquiry and the action taken thereon.*

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PROCTOR. As the chairman of the Committee on Military Affairs is absent for the moment, I ask that that resolution may lie over until to-morrow, and be printed.

The PRESIDENT pro tempore. Objection being made, the resolution will go over and be printed.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 19, 20, 21, 22, 23, 23, 30, 35, 36, 38, 41, 49, 53, 54, 57, 63, 66, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 23, 27, 31, 32, 33, 34, 37, 39, 40, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 55, 58, 59, 60, 61, 62, 64, 65, 67, 69, 70, 71, 72, 73, 74, 75, and 76, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: Strike out the last sum named in the amended paragraph and insert in lieu thereof the following: "\$4,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 18, and agree to the same with an amendment, as follows: Strike out the word "Ottawa," inserted by said amendment, and strike out lines 19 and 20 on page 11 of the bill, and insert in lieu thereof the following: "Consuls-general at Halifax, Ottawa, and Vienna, at \$3,500 each, \$10,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$114,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$446,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment, insert the following: "Port Hope (Canada), Orillia (Ontario);" and the Senate agree to the same.

EUGENE HALE,  
S. M. CULLOM,  
*Managers on the part of the Senate.*  
ROBERT R. HITT,  
ROBERT ADAMS, JR.,  
HUGH A. DINSMORE,  
*Managers on the part of the House.*

The report was agreed to.

#### HOUSE BILL REFERRED.

The bill (H. R. 911) to amend section 1176 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Pensions.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 2882) to authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts.

#### BOARDING OF VESSELS.

Mr. GALLINGER. I move that the vote by which the bill (S. 733) concerning the boarding of vessels was passed, which bill has been returned by request from the House of Representatives, be reconsidered, and that the bill be indefinitely postponed.

The motion was agreed to.

#### NATIONAL ASSOCIATION OF MANUFACTURERS.

Mr. HANNA. I ask unanimous consent for the present consideration of the bill (S. 2692) to incorporate the National Association of Manufacturers, which was favorably reported some time ago from the Committee on Manufactures.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio for the present consideration of the bill named by him?

Mr. BERRY. I object, Mr. President.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 470) granting a pension to Jane Dykes;

A bill (H. R. 1763) granting a pension to Ella F. Sydnor;

A bill (H. R. 2597) granting an increase of pension to Charles Kauffung;

A bill (H. R. 3012) granting a pension to Sarah Claggett;

A bill (H. R. 3538) granting an increase of pension to Charles Ross;

A bill (H. R. 5139) for the relief of Joseph Bacigaluppi;

A bill (H. R. 6700) granting an increase of pension to Maria Andrews; and

A bill (H. R. 6701) granting a pension to Serelda C. McGrew.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 5067) concerning the boarding of vessels; and

A bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

#### GOVERNMENT FOR PUERTO RICO.

Mr. FORAKER. I move that the Senate now proceed to the consideration of House bill 8245, relative to the island of Puerto Rico. In view of the fact that the time has been fixed for taking a vote on the bill, that quite a number of amendments have been proposed by the committee which have not been acted upon, and that a number of Senators, as I understand, wish to speak upon the bill, I hope that the bill will be proceeded with at this time and may continue under consideration until completed.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8245) tem-

porarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. PROCTOR. I desire to say that I have surrendered my place, according to the notice I gave that I would speak to-day on the unfinished business, to the Senator from Indiana [Mr. BEVERIDGE], as he is called out of town by sickness in his family. I now give notice that I shall speak to-morrow, with the leave of the Senate, immediately after the conclusion of the routine morning business.

Mr. FORAKER. I understand that the Senator from Indiana [Mr. BEVERIDGE] desires now to address the Senate on this bill. I ask the Senator whether he has an amendment that he proposes to offer at this time? The reason I make the inquiry is that we are now considering amendments, and it is the right, I think, under the rules of the Senate, of the committee to have their amendments first disposed of. I have yielded for the accommodation of Senators in two or three instances, and am quite willing to yield for the accommodation of the Senator from Indiana; but I think it is due that I should know whether there is an amendment to which the Senator wishes specifically to speak.

Mr. BEVERIDGE. Mr. President, I understand that I offered an amendment to this bill a day or two ago. If that is not sufficient, it will be offered again.

Mr. FORAKER. The amendment offered by the Senator from Indiana is, of course, germane to the bill and entirely proper to be offered. All I want to know is whether it is to be considered as offered now, so that when the Senator concludes it may be disposed of, as we are disposing of other amendments as we proceed with the debate.

Mr. BEVERIDGE. I expect that it will be disposed of when the final vote comes, when the time arrives for voting on all of the amendments. I desire to speak on the general subject.

Mr. FORAKER. I hope that we may dispose of these amendments. They must be disposed of at some time. I wish to dispose of them as rapidly as they are offered. I think that is the privilege of the committee. I am disposing of amendments offered by the committee as rapidly as they can be acted upon. I do not want to dispose of them prematurely. If there is any other Senator, after the Senator from Indiana, who shall desire to speak upon this particular amendment, of course it can lie upon the table until he has secured an opportunity to do so. I only wanted to know the parliamentary status of the bill and of the Senator's amendment, so that we may take intelligent action upon it and make progress.

The PRESIDENT pro tempore. It may be proper for the Chair to state that the unanimous consent given was that at 4 o'clock on Tuesday next a vote should be taken on the bill and upon all amendments of which notice had hitherto been given, and the Chair will hold that the presenting of an amendment, having it printed, and having it on the table is a notice.

Mr. GALLINGER. But, Mr. President—

Mr. FORAKER. The ruling of the Chair is entirely correct; but it seems to me there should be added that in the meanwhile amendments that are offered may be disposed of. The agreement of the Senate was as to amendments that might be then pending.

Mr. GALLINGER. I rose to make that very interrogatory. Is it not competent for the Senate to dispose of amendments, if we are prepared to vote on the particular amendments, prior to the time of taking the final vote which we have agreed to take by unanimous consent?

Mr. FORAKER. Such has always been the practice, as I understand, and the committee have a number of amendments upon which we shall ask a vote as we proceed with their consideration. I hope to get all the committee amendments out of the way before 4 o'clock on Tuesday next.

The PRESIDENT pro tempore. Unanimous consent was given that the committee amendments should first be acted on.

Mr. FORAKER. I do not have to wait until 4 o'clock next Tuesday before I ask for the vote on them?

The PRESIDENT pro tempore. Undoubtedly not, nor does any other amendment have to wait until that time.

Mr. CULLOM. As I understand, the amendment offered by the Senator from Indiana is one that possibly several Senators may desire to speak upon before it is finally disposed of. So I hope the Senator from Ohio, in charge of the bill, will not press the immediate consideration of that amendment to the extent of asking for a vote upon it now.

Mr. FORAKER. I stated that I had no desire to do that, but only wanted to know what was the desire of the Senator from Indiana. If he wanted the amendment voted upon, I stated that I should be prepared to take action upon it when he concluded his speech. If any other Senator wishes to speak upon it, then that amendment can lie upon the table until it is the pleasure of the Senate to take it up and dispose of it.

[Mr. BEVERIDGE addressed the Senate. See Appendix.]

Mr. FORAKER. Mr. President, Senators will remember that



on yesterday I asked leave to reprint the bill with a rearrangement of the sections and showing the amendments as they would be proposed by the committee. That reprint is on each Senator's desk. There are a number of amendments which are of a minor character, which, I presume, will not be much discussed, if discussed at all. I will first call attention to those. The first amendment is on page 2 of the reprint, in line 3.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The first amendment proposed by the committee will be stated.

The SECRETARY. In section 1, on page 2, line 3, after the word "which," it is proposed to strike out "was" and insert "were," so as to read: "which were ceded to the United States by the Government of Spain by treaty," etc.

The amendment was agreed to.

Mr. FORAKER. I now propose to amend by striking out, after the word "treaty," in line 4, on page 2, the words "concluded April 11;" and inserting in lieu thereof "entered into on the 10th day of December;" so as to read:

By treaty entered into on the 10th day of December.

The amendment was agreed to.

The PRESIDING OFFICER. With the permission of the Senator from Ohio, the Secretary will read the proposed amendments in their order as they appear in the reprinted bill.

The Secretary read the next amendment reported by the Committee on Pacific Islands and Puerto Rico, which was, in line 6, to change the date "1899" to "1898;" so as to read:

Which were ceded to the United States by the Government of Spain by treaty entered into on the 10th day of December, 1898.

The PRESIDING OFFICER. The amendment will be agreed to, if there be no objection.

Mr. PETTUS. Wait one moment, Mr. President. I want to know what is going on.

Mr. FORAKER. I can explain to the Senator from Alabama that, as this bill was originally drafted, it referred to the treaty between the United States and Spain, as "concluded April 11, 1899," and we are changing it so as to read "entered into on the 10th day of December, 1898."

The PRESIDING OFFICER. The question is on the adoption of the amendment.

Mr. PETTUS. The Senator from Ohio has changed these things so often that it is almost impossible to follow him. I desire to know what he is doing as he goes along. [Laughter.]

Mr. FORAKER. I will take pleasure in helping the Senator to find out if he has any difficulty in doing so.

The PRESIDING OFFICER. The question is on the adoption of the amendment; which has been stated.

The amendment was agreed to.

Mr. FORAKER. Inasmuch as the amendments immediately following, I have no doubt, will be discussed more or less, I ask to have them passed over for the present.

Mr. PETTUS. Why not take them up as they come?

Mr. FORAKER. I have no objection, except that there are a good many Senators out just now who were here listening to the speech of the Senator from Indiana [Mr. BEVERIDGE]. They have gone to get their luncheon, I suppose, and if I could accommodate them by taking up some of the minor matters, about which they did not very much care, I thought that would be preferable.

The PRESIDING OFFICER. The amendments specified by the Senator from Ohio will be passed over unless there be objection. Will the Senator please specify what amendments he desires to have passed over?

Mr. FORAKER. I desire to have passed over all amendments, with a view of returning to them presently, until we come to page 6 of the reprint.

The PRESIDING OFFICER. The Secretary will read the amendment of the committee on page 6.

The SECRETARY. In section 6, on page 6, line 2, after the word "citizens," it is proposed to insert "of Puerto Rico, and as such entitled to the protection."

Mr. MORGAN. What is it proposed to do there?

Mr. BACON. I shall certainly object to that amendment; and if the Senator wants to pass over those amendments which are objected to, he will have to skip that one.

Mr. FORAKER. I will pass over that and others of a kindred nature, if there be no objection. There is another amendment, in line 19, of a formal nature which might be acted upon.

The PRESIDING OFFICER. Perhaps the Senator from Ohio had better specify the amendments which he will ask to have acted upon.

Mr. FORAKER. I suppose the Secretary has before him the reprint of the bill, showing the amendment in line 19, on page 6, inserting the word "statutory" before the word "laws."

Mr. BACON. I object to that amendment.

Mr. MORGAN. This method of proceeding—

Mr. FORAKER. Mr. President, I ask that we may go back—

The PRESIDING OFFICER. The Senator from Alabama [Mr. MORGAN] has the floor.

Mr. MORGAN. We shall never reach a result with this method of proceeding with the bill. The committee have had opportunity after opportunity to present a bill here for the consideration of the Senate; here is the last reprint of it, and that is supposed to be the bill of the committee. That being so, it is open to amendment from end to end on the motion of any Senator on this floor, and I do not know of any privilege which a committee has got of coming in and picking up the amendments which it has proposed to its own bill, and suggesting that they should be gone over and over again by a vote of the Senate. I do not know of any such thing. I think, under the rule that is applicable to all legislation, this bill is now before the Senate and open to amendment. The question whether the committee have a priority of privilege here in offering amendments is one which may be disputed. Is there unanimous consent that such a course shall be pursued? That is what I wish to ascertain.

Mr. FORAKER. It was unanimous consent that I asked for; but if there is any objection—

Mr. MORGAN. No; I shall not make any objection to unanimous consent. I just want to know what it is. Is there unanimous consent that the committee shall have priority in offering amendments to this bill?

Mr. FORAKER. Yes, sir.

The PRESIDING OFFICER. The Chair understands that there was an agreement that the amendments reported by the committee should be first considered.

Mr. MORGAN. Now, I insist that the committee, therefore, shall take up their amendments, as they are reported on this bill, seriatim, beginning with the first and going on through to the end, and not skip about and waive consideration of some to suit the convenience of Senators. Let Senators attend here. Some of us have to attend in order to keep this machine in motion. Let them attend here or be responsible for the results if they do not do so. I insist that we commence with the first amendment of the committee and go through regularly.

The PRESIDING OFFICER. That order will be followed, unless otherwise directed.

Mr. FORAKER. I have no objection to that order. In what I was doing I was trying to accommodate Senators who would probably dislike to be called from the restaurant when they are at luncheon, and quite a number of them are there now, I understand. But if there is objection to what I have suggested, I am willing to proceed with the amendments in order.

Mr. BACON. I want to suggest—

The PRESIDING OFFICER. The Senator will allow the Chair to state—

Mr. BACON. It is not to the amendment that I propose to address myself.

The PRESIDING OFFICER. The Senator will let the question before the Senate be stated, and then he will be recognized as in order. The Secretary will state the pending amendment.

The SECRETARY. In section 1, on page 2, line 6, after the word "name," it is proposed to strike out "Puerto Rico" and insert "Porto Rico."

The PRESIDING OFFICER. The question is on the adoption of the amendment. The Chair now recognizes the Senator from Georgia [Mr. BACON].

Mr. FORAKER. Mr. President, it was objected by the Senator from Alabama [Mr. MORGAN] that we should proceed irregularly, and I announced that I withdrew that request and would go back and take up the amendments for consideration in the order in which they occur in this reprint. The first amendment, therefore, will be the amendment proposed by the committee to section 2, on page 2, indicated by the italics.

The PRESIDING OFFICER. That amendment will be stated.

Mr. BACON. I want to submit a suggestion to the Senator from Alabama, with the permission of the Chair, and that is that this is a bill certainly of the greatest importance, and Senators ought to be present when it is being considered. There are certain formal matters, to which nobody would object, that might be acted upon; and so I hope the Senator will not insist upon our proceeding in order. I think the suggestion is an admirable one as to the general course in which this matter shall be considered; but the amendment which is to be immediately considered now ought to be considered by a full Senate, and, as the Senator knows, a large number of Senators are now taking their usual luncheon. It might be well that action upon important amendments should be postponed until Senators shall have completed that important work.

Mr. MORGAN. I am as hungry as any of them, but I have not the opportunity of taking my lunch without deserting my post of duty at a moment when it is very important that Senators should remain in the Chamber.

The rule of the Senate is that when bills have been read they shall be taken up by sections for amendment, and that is what I



insist on. If the amendments are immaterial, then of course they will not be discussed, but if they are material, we will give the gentlemen who are absent from the Chamber an opportunity to get in here and discuss them.

The PRESIDING OFFICER. The Secretary will again state the pending amendment.

The SECRETARY. In section 1, on page 2, line 6, after the word "name," it is proposed to strike out "Puerto" and insert "Porto;" so as to read "Porto Rico."

Mr. FORAKER. No; that amendment on page 2 I withdrew, but the amendment I now propose is the amendment indicated on page 2, at the end of section 2, to insert a proviso.

The PRESIDING OFFICER. Is the amendment which has been read by the Secretary withdrawn?

Mr. FORAKER. I withdrew it temporarily, because it was objected to.

The PRESIDING OFFICER. The Chair did not so understand. The next amendment will be stated.

Mr. MORGAN. That amendment is not withdrawn because it is objected to.

Mr. FORAKER. I withdrew it upon the Senator's objection.

Mr. MORGAN. I did not object to that.

Mr. FORAKER. The Senator objected not to the amendment, but to our proceeding irregularly so that I might accommodate Senators who had been detained here to hear the speech of the Senator from Indiana [Mr. BEVERIDGE] and who are now temporarily absent. I was asking the Senate to pass on matters that I did not think there would be any particular debate about before we got to the real matters in controversy.

Mr. MORGAN. That is all right. Now, let us begin with the first section and let us go on regularly and in order.

Mr. FORAKER. We have gone back to the first section, the one the Senator first objected to, and I announced that I would withdraw the amendment. That perhaps was irregular and may have confused Senators who were not familiar with the text of the bill proposed to be stricken out.

The PRESIDING OFFICER. The first amendment in section 2, on page 2, will be stated.

The SECRETARY. In section 2, on page 2, line 15, after the word "countries," it is proposed to insert:

*Provided, That on all coffee in the bean or ground imported into Puerto Rico there shall be levied and collected a duty of 5 cents per pound, any law or part of law to the contrary notwithstanding: And provided further, That all Spanish scientific, literary, and artistic works, not subversive of public order in Puerto Rico, shall be admitted free of duty into Puerto Rico for a period of ten years, reckoning from the 11th day of April, 1899, as provided in said treaty of peace between the United States and Spain: And provided further, That all books and pamphlets printed in the English language shall be admitted into Puerto Rico free of duty when imported from the United States.*

The PRESIDING OFFICER. The question is on the adoption of the amendment.

Mr. PETTUS. Mr. President, I offered an amendment this morning to amend the amendment by striking out the words following "Provided."

Mr. JONES of Arkansas. In what line?

Mr. PETTUS. Commencing in line 15, on page 2, section 2:

*That on all coffee in the bean or ground imported into Puerto Rico there shall be levied and collected a duty of 5 cents per pound, any law or part of law to the contrary notwithstanding.*

The PRESIDING OFFICER. The Chair will inquire of the Senator from Alabama if he calls for a division of the committee's amendment?

Mr. PETTUS. No; I call for action on my own amendment to the amendment of the committee.

The PRESIDING OFFICER. To strike out the portion which the Senator has read?

Mr. PETTUS. Yes, sir.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama to the amendment reported by the committee, to strike out the first proviso.

Mr. BACON. Mr. President, I desire to call attention to the fact that I have had pending for some days an amendment, which was to strike out this entire section and insert in lieu thereof a section which would practically apply to Puerto Rico the same tariff laws that are enforced in the remainder of the United States.

Mr. GALLINGER. If the Senator will permit me, I believe the usual custom is to perfect the committee amendment, and then for a Senator to move a substitute.

Mr. BACON. I understand that is the parliamentary rule. Of course the section has to be perfected before a motion to strike out can be entertained. My object in now calling attention to it was to suggest to the Senator from Alabama that the purpose he has in view would be better covered by a motion to strike out entirely than by a motion simply to perfect the text.

I want to call attention, if the Senator will pardon me a moment, to the fact that there are radical objections not only to that feature of this section, but to other features of it; and that simply the striking out of the objectionable provision mentioned by the amendment of the Senator from Alabama will not cure all of the

defects. I am quite sure the desire of the Senator from Alabama is similar to my own, that there shall be a bill passed here which shall accord to the people of Puerto Rico the enjoyment of the same tariff laws that we enjoy in the other portions of the United States, and if so, not only that particular part of the section, but the entire section, ought to be stricken out; and there should be in lieu thereof inserted such a section as that which I have proposed in my amendment. Of course that is simply a suggestion. If the purpose is to remove from the bill the distinctive features which seek to establish one law for Puerto Rico different from the law that exists in the remainder of the United States, then simply the striking out of the provision does not accomplish that result, but the entire section will have to be stricken out to accomplish it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. PETTUS] to the amendment of the committee.

Mr. PETTUS. Mr. President, I appreciate what has been said by the Senator from Georgia [Mr. BACON], but I want a distinct vote on the distinct proposition that you can tax by duties merchandise imported into Puerto Rico which is not taxed if imported into this part of the United States or any other part of it. This bill levies a specific tax of 5 cents a pound on coffee imported into Puerto Rico. We have no tariff now in the United States on coffee imported into the United States, and therefore I want a distinct vote on this distinct matter.

The other provisions, if they are objectionable, may go out with the Senator's amendment to strike the whole section out, but I want a vote on the idea that you can not put a tax on goods imported into Puerto Rico when you do not tax the same goods imported into the United States.

Mr. GALLINGER. Mr. President—

Mr. BACON. I will state to the Senator that the amendment—

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GALLINGER. I yield to the Senator from Georgia.

Mr. BACON. I will state to the Senator that the amendment which I propose to insert in lieu of the one which I propose to strike out does distinctly state that fact, and in the conclusion of the amendment there is this language:

*There shall be no duties or imposts levied, collected, or paid upon any articles imported into Puerto Rico from any part of the United States, and no duties or imposts shall be levied, collected, or paid upon any articles imported into any part of the United States from Puerto Rico.*

Mr. GALLINGER. Mr. President, I will not undertake as a layman to argue this much discussed constitutional question, and yet it occurs to me that inasmuch as we have a constitutional right to levy a duty upon coffee coming into the United States, which we do not do, that same constitutional right would enable us to levy a duty upon coffee going into Puerto Rico.

But what I do want to say, Mr. President, is that this proposed amendment of the committee is one of the beneficent features of this bill so far as the Puerto Ricans themselves are concerned. I trust the great newspapers of the country, some of which are indulging in misrepresentations as to the purpose of the Senate in this resolution, will take note of the fact that under the Spanish régime a duty was imposed upon coffee imported into Puerto Rico. The reason of it was that they raise in Puerto Rico a very superior quality of coffee, perhaps the best coffee raised in the world. The Puerto Ricans themselves have asked us to protect them in this matter so that the cheap grades of coffee from other countries and islands may not be sent into Puerto Rico and blended with their superior coffee and sold as Puerto Rican coffee, bringing their coffee into disrepute in the markets of the world. It is a protection to the Puerto Ricans themselves—a protection that they have asked us to give them; and I trust that the motion to strike this provision from the bill will not prevail.

Mr. FORAKER. Mr. President, I wish to say a word about this matter before it is put to a vote. I recognize, as has been suggested by the Senator from Alabama [Mr. PETTUS], who proposes this amendment to the amendment, that this does raise a very important question. It is an important question in a constitutional sense, and it is an important question in a practical sense, for it is true, as the Senator from New Hampshire [Mr. GALLINGER] has just said, that this legislation is necessary to protect the principal industry in the island of Puerto Rico, and if we have not constitutional power to do that it will certainly be a very unfortunate thing for the Puerto Ricans.

They have always had a tariff duty on coffee imported into Puerto Rico, for the protection of the Puerto Rican coffee, and that for the reason that the coffee raised in Puerto Rico, as the Senator from New Hampshire said, is of very superior quality. There is, perhaps, no better coffee grown in all the world than they grow in Puerto Rico. It is not very familiarly known in this country. Its markets heretofore have been in Europe, and there it commands the highest price, a better price than even Java or Mocha coffee.

Mr. SULLIVAN. What is the present tariff?



Mr. FORAKER. The tariff now on the importation of coffee into Puerto Rico is \$12 per hundred kilos, which is, I understand, about 6 cents a pound. The tariff here proposed is less than the tariff that is now in force. That tariff is necessary because in Central America and in South America, particularly in Brazil, they raise cheap and inferior grades of coffee that sell for a much less price in the coffee markets of the world, and without a tariff that industry, which is now in a condition of prostration on account of the hurricane and the general poverty prevailing there, would be ruined.

As those interested in the industry said, if they did not have this protection not only will the industry be thus prejudiced by cheaper coffees coming into Puerto Rico, but another injury will be done that can not very well be estimated, for it is anticipated that if these cheap coffees could be brought in there they would be blended with the superior quality of coffee grown in Puerto Rico and sent out to the world in such way as to destroy the good name which Puerto Rican coffee now enjoys wherever it is known in the markets of the world, just as Puerto Rican tobacco, when there was free trade between Puerto Rico and Cuba, was sent into Cuba, and from there sent elsewhere to other markets of the world as Cuban tobacco in order that for the inferior quality of tobacco grown in Puerto Rico they might get the better price which Cuban tobacco, because of its recognized superior quality, always commanded.

Those who drafted and reported this bill and who are responsible for this amendment have no question but that we have the constitutional power in legislating for Puerto Rico to make the importation of coffee into that island subject to a tariff duty, although under our tariff laws imports of coffee into the United States will be without any duty.

Now, Mr. President, a word as to the other propositions in that proviso.

Mr. PETTUS. That is not embraced in the pending amendment.

Mr. FORAKER. It is true they are not embraced in this question, and I will take occasion to speak of them, if the Senator prefers, after the amendment of the Senator from Alabama is disposed of.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama to the amendment of the committee.

Mr. PETTUS. Mr. President, if you have a right to impose a tax with a free hand, as insisted by the Senator from Indiana; or, in other words, if you have a right to use a free hand to mutilate the Constitution of the United States, then you can pass this bill; but if the Constitution of the United States means anything when it says taxes and duties shall be uniform, then you have no such right. So the question is directly as to the power of Congress to levy a tax of 5 cents a pound on coffee coming into Puerto Rico, while it lets all coffee come into the United States free of duty.

If the Senator from California [Mr. PERKINS] were here, I would ask why not put a duty of 100 per cent on fruits coming into California? Why not? You have the same power to do it, sir, that you have to levy any tax on coffee coming into Puerto Rico.

Mr. FORAKER. The suggestion of the Senator from Alabama is not hard to answer, and in the absence from the Chamber of the Senator from California, I will undertake to make answer to it, and answer it in a word.

The difference between Puerto Rico and California is that California is a part of the United States, while Puerto Rico is not. Puerto Rico is an outlying dependency, a possession belonging to the United States, with respect to which Congress has power to make all needful rules and regulations, whereas California is in the Union, and the Constitution of the United States is the organic law as to California, as it is as to all the other States in the Union, but not so as to this island. I ask for a vote on the amendment to the amendment.

The PRESIDENT pro tempore. Will the Senate agree to the amendment of the Senator from Alabama [Mr. PETTUS] to the amendment of the committee?

Mr. PETTUS. I ask for a vote by yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL], and I withhold my vote for the present.

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were present, I should vote "yea."

Mr. McLAURIN (when his name was called). I am paired with the senior Senator from North Carolina [Mr. PRITCHARD]. If he were present, I should vote "yea."

Mr. NELSON (when his name was called). I am paired with the junior Senator from Missouri [Mr. VEST] and withhold my vote.

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], but by an arrangement that pair has been transferred, and that gives me liberty to vote.

Mr. LODGE. My colleague, the Senator from Massachusetts [Mr. HOAR], who is detained from the Senate by circumstances known to Senators, is paired with the Senator from Louisiana [Mr. McENERY], and that leaves the Senator from Alabama free to vote.

Mr. PETTUS. I vote "yea."

Mr. PROCTOR (when his name was called). I am paired with the senior Senator from Florida [Mr. MALLORY].

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO].

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MASON]. As he has not voted, I withhold my vote.

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER].

Mr. WELLINGTON (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. BUTLER]. As he is absent, I withhold my vote.

The roll call was concluded.

Mr. CULLOM (after having voted in the negative). I am paired with the junior Senator from Virginia [Mr. MARTIN]. As he has not voted, I will withdraw my vote.

Mr. ALLISON. On this question I am paired with the senior Senator from Missouri [Mr. COCKRELL]. If he were present, I should vote "nay."

Mr. KENNEY. I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. I understand the Senator from North Dakota [Mr. HANSBROUGH] has a pair with the Senator from Virginia [Mr. DANIEL]. I suggest to him that we transfer our pairs and vote.

Mr. HANSBROUGH. That is agreeable, I will say to the Senator from Delaware.

Mr. KENNEY. I vote "yea."

Mr. HANSBROUGH. I vote "nay."

Mr. McBRIDE. I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I will transfer that pair to my colleague [Mr. SIMON] and vote. I vote "nay."

Mr. WARREN. I ask if the Senator from Rhode Island [Mr. ALDRICH] has been paired?

The PRESIDENT pro tempore. No announcement has been made of a pair with that Senator.

Mr. WARREN. It has been suggested to me, and unless there is objection I will act upon it, that I transfer my pair so that the Senator from Rhode Island [Mr. ALDRICH] will stand paired with the Senator from Washington [Mr. TURNER]. I vote "nay."

Mr. HANNA. I have a general pair with the Senator from Utah [Mr. RAWLINS]. I will transfer that pair to the Senator from Colorado [Mr. WOLCOTT] and vote. I vote "nay."

Mr. PETTUS. I desire to state that a pair was announced yesterday with the Senator from Rhode Island [Mr. ALDRICH].

Mr. BURROWS (after having voted in the negative). I voted, and I am paired with the senior Senator from Louisiana [Mr. McENERY]. I ask the Senator from South Carolina [Mr. McLAURIN], if it is agreeable to him, as he is paired with the Senator from North Carolina [Mr. PRITCHARD], to transfer his pair so as to allow us both to vote?

Mr. McLAURIN. That arrangement will be agreeable to me.

Mr. BURROWS. Then I will let my vote stand.

Mr. PETTUS. The senior Senator from New Jersey [Mr. SEWELL] is paired with the senior Senator from Louisiana, and the Senator from New Jersey has voted.

Mr. BURROWS. I do not see how. I am permanently paired with him, and I protected him yesterday.

Mr. PETTUS. It was done by an arrangement with the junior Senator from Massachusetts [Mr. LODGE]. He made the suggestion.

Mr. SEWELL. I have no definite knowledge of such a pair.

Mr. LODGE. The Senator from Louisiana [Mr. McENERY] is paired with my colleague [Mr. HOAR].

Mr. BURROWS. I am talking about the senior Senator from Louisiana.

Mr. LODGE. The Senator from Louisiana [Mr. McENERY] is the junior Senator.

Mr. PETTUS. I beg pardon, sir.

Mr. BURROWS. Then I will let my vote stand, and the Senator from South Carolina can vote.

Mr. McLAURIN. I vote "yea."

Mr. SULLIVAN. I announced a moment ago that I was paired with the junior Senator from Illinois [Mr. MASON]. I find that after the announcement of the Senator from Ohio [Mr. HANNA] I can transfer my pair to the Senator from Utah [Mr. RAWLINS] and in that way vote. I vote "yea."

Mr. JONES of Arkansas. I believe no pair has been announced



with the Senator from South Dakota [Mr. PETTIGREW], and I will transfer my pair with the Senator from Connecticut [Mr. PLATT] to the Senator from South Dakota [Mr. PETTIGREW] and vote. I vote "yea."

Mr. SULLIVAN (after having voted in the affirmative). Before the announcement of the vote, I understand that there has been a previous arrangement with the Senator from Utah [Mr. RAWLINS] and therefore I withdraw my vote.

The result was announced—yeas 14, nays 32; as follows:

## YEAS—14

Bacon,	Culberson,	Kennedy,	Pettus,
Bate,	Harris,	Lindsay,	Turley.
Berry,	Heitfeld,	McLaurin,	
Clay,	Jones, Ark.	Morgan,	

## NAYS—32

Baker,	Foraker,	Hawley,	Platt, N. Y.
Bard,	Foster,	Kean,	Quarles,
Burrows,	Frye,	Kyle,	Ross,
Carter,	Gallinger,	Lodge,	Sewell,
Clark, Wyo.	Gear,	McBride,	Shoup,
Deboe,	Hale,	McComas,	Spooner,
Elkins,	Hanna,	McMillan,	Warren,
Fairbanks,	Hansbrough,	Perkins,	Wetmore.

## NOT VOTING—41

Aldrich,	Daniel,	Nelson,	Taliaferro,
Allen,	Davis,	Penrose,	Teller,
Allison,	Depew,	Pettigrew,	Thurston,
Beveridge,	Hoar,	Platt, Conn.	Tillman,
Butler,	Jones, Nev.	Pritchard,	Turner,
CaZery,	McCumber,	Proctor,	Vest,
Chandler,	McEnery,	Rawlins,	Wellington,
Chilton,	Mallory,	Scott,	Wolcott,
Clark, Mont.	Martin,	Simon,	
Cockrell,	Mason,	Stewart,	
Cullom,	Money,	Sullivan,	

So Mr. PETTUS's amendment to the amendment of the committee was rejected.

Mr. BACON. Mr. President, the bill as it is now before the Senate has been so rearranged that matter which was heretofore in section 8 in the former bill is now in sections 2 and 3 of this bill. There is a pending amendment on the part of the committee, and therefore I am in order to move to amend the amendment. I move to strike out all of sections 2 and 3 and insert in lieu thereof the section which I send to the desk.

Mr. President, this is a matter of very considerable importance, and goes to the vital question in the bill. I hope that Senators will give attention to the reading of the proposed amendment.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The SECRETARY. On pages 2 and 3 strike out sections 2 and 3 and insert in lieu thereof the following:

That on and after the date when this act shall take effect there shall be levied, collected, and paid upon all articles imported from foreign countries into Puerto Rico, which is hereby constituted a customs collection district, the rates of duty mentioned and prescribed in the schedules and paragraphs of an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897; and on and after the date when this act shall take effect, organizing and establishing civil government in Puerto Rico, there shall be no duties or imposts levied, collected, or paid upon any articles imported into Puerto Rico from any part of the United States, and no duties or imposts shall be levied, collected, or paid upon any articles imported into any part of the United States from Puerto Rico.

Mr. GALLINGER. I should like to hear the first part of the amendment read again.

Mr. BACON. I ask that there may be order in the Chamber in order that the amendment may be heard by the Senate.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read Mr. BACON's amendment to the amendment of the committee.

Mr. BACON. Mr. President, I desire to call attention of the Senate to the effect of this amendment.

Sections 2 and 3 of the bill, with the proposed amendments, establish certain rates of duty to be paid upon goods brought from Puerto Rico into any other parts of the United States. I am speaking of the bill now, not of my amendment, and I will repeat what I said, because I think this is a vital matter and Senators should appreciate what is to be voted upon.

My amendment proposes to strike out sections 2 and 3 of the bill and to insert the amendment which has been read; and I want in a few minutes to explain what is the proper operation of that amendment, if it should be adopted. Sections 2 and 3, which take the place of section 8 as it was formerly in the bill, provide a rate of duty between Puerto Rico and the balance of the world. Those two sections provide that upon goods brought from Puerto Rico to the United States a certain rate of duty shall be collected. It further provides that upon certain goods carried from the United States to Puerto Rico there shall be certain duties collected, and there are matters of detail carrying out those two general provisions. But you may state in brief that those are the provisions of these two sections levying and collecting a duty upon goods coming from Puerto Rico to the United States, and levying and

collecting a duty upon goods going from the United States to Puerto Rico.

Now, the effect of the amendment which I propose is to strike out those provisions; to annul them, and to apply the Dingley Act to Puerto Rico in the same way it applies to all other parts of the United States. In other words, the proposed amendment says that on and after the passage of this act by which civil government will be organized in Puerto Rico—

There shall be levied, collected, and paid upon all articles imported from foreign countries into Puerto Rico, which is hereby constituted a customs collection district, the rates of duty mentioned and prescribed in the schedules and paragraphs of an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States"—

Which is the Dingley Act—

approved July 24, 1897.

That is one provision, that that rate of duty shall be collected in Puerto Rico upon all goods imported into Puerto Rico from any foreign country. The other provision of the amendment is this—

And on and after the date when this act shall take effect, organizing and establishing civil government in Puerto Rico, there shall be no duties or imposts levied, collected, or paid upon any articles imported into Puerto Rico from any part of the United States, and no duties or imposts shall be levied, collected, or paid upon any articles imported into any part of the United States from Puerto Rico.

I will say, Mr. President, there is the clear issue made. The bill, with the amendments proposed by the committee as found in sections 2 and 3, proposes definitely and distinctly that there shall be certain duties levied and collected upon articles coming from Puerto Rico to the United States, and with equal definiteness and distinctness provides that there shall be certain duties collected upon articles going from the United States into Puerto Rico. That is the bill as proposed to be amended by the committee and as found in sections 2 and 3. The amendment which I submit proposes to strike all of that out, and to insert in lieu thereof a provision that upon all articles going into Puerto Rico from any foreign country the Dingley Act shall be in force and duties shall be levied and collected in accordance with the provisions of the Dingley Act, and, furthermore, that as to all articles coming from Puerto Rico into the United States there shall be no duty, and that as to all articles going from the United States to Puerto Rico there shall be no duty.

Mr. WARREN. I understand the effect of the proposals is an indorsement of the Dingley tariff so far as Puerto Rico is concerned.

Mr. BACON. It is the recognition of the fact that the Dingley tariff is the law of the land. It is not a question of indorsement.

Mr. WARREN. Since the Senator advocates it, I conclude that that carries with it his indorsement of the Dingley Act as to Puerto Rico.

Mr. BACON. The suggestion of the Senator I think is entirely without proper basis. There are a great many things in the Dingley tariff act which the Senator from Wyoming well knows I do not approve; but there is one thing I do approve, and that is that so long as the Dingley tariff is the law of the land it shall apply to all the land, including Puerto Rico, and that whenever it is amended as to Puerto Rico it should also be amended as to Wyoming.

Mr. WARREN. I am glad to notice that the Senator indorses more of the Dingley Act and indorses it more emphatically than he has done on earlier occasions.

Mr. BACON. I am not to be diverted by that suggestion, and at some other time, when the Senate has leisure and the Senators themselves are prepared to go into a side path, we may follow out the direction which the Senator now indicates. But it is the square question here now on this amendment whether or not the Dingley law shall be considered as applicable to Puerto Rico in the same way that it is applicable to any other part of the territory which we have heretofore called the United States, or whether there shall be the Dingley law applicable to the part of the United States which existed at the time of its passage and not applicable to Puerto Rico. Or, to state it more concisely, it is simply this: Shall there be a tariff between the United States and Puerto Rico on goods coming here, and shall there be a tariff upon goods going from the United States to Puerto Rico? The amendment which I submit provides that there shall be neither. It provides that upon all goods from foreign countries going into Puerto Rico there shall be collected the same rates of duty that are collected upon imports into the United States from any foreign country.

Mr. President, I do not want to detain the Senate with a discussion of this question.

Mr. SPOONER. The duties collected, of course, are to go into the Treasury just as if they were collected in New York?

Mr. BACON. Undoubtedly.

Mr. SPOONER. The Senator makes no provision whatever for the temporary support of the government of Puerto Rico.

Mr. BACON. We have done that already in another bill.

Mr. SPOONER. I do not think we have, but you do not do it by your amendment.



Mr. BACON. I do not. I do not want to complicate that question with this one. It is perfectly practical—there is nothing in the amendment that negatives that—after we have settled this question to decide what shall be done with the revenues. We have already passed a bill in which we said that all revenues collected from Puerto Rico shall be devoted to the purposes specified in that bill, not only those which have been collected in the past, but which may be collected in the future, and so far as the temporary purposes are concerned, the amount which will be covered by that bill and which is covered by it would certainly provide for temporary emergencies.

As to other matters of revenue, there is nothing in this amendment which in the slightest degree stands in the way of any other provision which Congress may choose to make as to internal revenue or as to any provision which may be made out of the United States Treasury or as to any provision by which the people of that territory or the people of other Territories may have power to collect taxes.

Mr. FORAKER. Will the Senator from Georgia allow me to interrupt him for an inquiry?

Mr. BACON. Certainly.

Mr. FORAKER. I understood him to say that the adoption of his amendment to the amendment, or his amendment which I believe is proposed as a substitute for the whole section, would not stand in the way of such legislation as Congress might see fit to enact with respect to internal-revenue taxation in Puerto Rico or taxation in any other sense. I ask him if it is not true that in his amendment by express provision he says that this provision as to free trade between Puerto Rico and the United States shall be because of the provision of the Constitution, and if he has not referred to the section which requires uniformity of taxation, and if it was not his view and his purpose in proposing this amendment thereby to declare that the Constitution was in force and we were bound by that provision in regard to uniformity of taxation, and if that is not applied to internal as well as tariff taxation?

Mr. BACON. If the Senator will study the phraseology carefully, he will find that those words are not in the amendment which was read from the desk.

Mr. FORAKER. Oh. I sent for the amendment. There was a great deal of confusion.

Mr. BACON. I will say to the Senator that the amendment which has been read was originally drafted by me to be proposed to section 8 of the bill as it was formerly framed by the committee. As brought in this morning, sections 2 and 3 practically take the position of section 8, and therefore I have offered it as an amendment, striking out sections 2 and 3 and proposing the insertion of this in lieu thereof. As the amendment was originally drawn by me it did contain the words spoken of by the Senator. It contained these words:

And on and after the date when this act shall take effect, organizing and establishing civil government in Puerto Rico, there shall be, in accordance with section 8, Article I, of the Constitution of the United States, no duties or imposts levied, etc.

Mr. President, I have, in offering the amendment this morning, purposely stricken out those words, not because I had any doubt as to the propriety of the words, but because I wanted it dealt with in as simple a manner as possible, with a view to direct practical results. I still believe that the action, if taken, will be in accordance with that article and section of the Constitution, but it is not necessary for Senators who may differ on that point to refuse to vote for an amendment where that is not expressed in it. The amendment as offered this morning has not that expression in it. It is simply the plain provision of statutory law that after the organization of civil government under this act there shall be no duties collected on articles coming from Puerto Rico into the United States, and that there shall after that time be no duties collected upon articles going from the United States into Puerto Rico.

I realize the fact, Mr. President, that if the amendment offered this morning had the same phraseology as the amendment which was offered by me several days ago, there might be Senators who would be willing to vote for it as an abstract proposition who would not be willing to commit themselves to the constitutional proposition which would be contained in it if those words were in it. Therefore, in recasting the amendment this morning, and offering it to sections 2 and 3, I purposely struck out the words; and the suggestion of the Senator from Ohio, therefore, does not apply to anything contained in the present amendment.

Mr. President, as I was about to say when interrupted, I do not propose to discuss it, but I want to call the attention of the Senate to the fact that this amendment brings up the square issue. Shall Puerto Rico have levied and collected at her ports a duty upon articles going from the United States into Puerto Rico, and shall there be levied and collected duties upon articles coming from Puerto Rico into the United States, or shall there be, as provided in this amendment, the application of the Dingley law as to Puerto Rico in the same way and to the same extent as, and in no other

way and to no other extent than is applicable to the United States? I say it is as square an issue as can be made, and therefore I hope it may be voted upon with recognition of that fact.

Mr. GALLINGER. Mr. President, as I do not intend at any time during this debate to speak at any considerable length on this subject, which perhaps I might properly do, being a member of the committee which considered the bill, I wish to speak briefly on the proposed amendment. Before coming to a discussion of the propositions embraced in the amendment submitted by my friend the Senator from Georgia [Mr. BACON], I will put into the RECORD two or three opinions as to our absolute right to impose the kind of legislation upon Puerto Rico which we are proposing to do in the bill now under consideration, after which I will endeavor to demonstrate the fact that the proposed legislation is wise and for the best interests of the people of the island.

The lawyers of the Senate have discussed the constitutional question pro and con, and I presume that both sides have satisfied themselves that they have made out a case. However that may be, I want to cite two or three opinions that have attracted my attention and have led me to believe that we are acting entirely within the limits and provisions of the Constitution in imposing tariff duties upon Puerto Rico. The first opinion I want to place in the RECORD is that rendered by Mr. Justice Bradley in the well-known and much-discussed case of *The Mormon Church vs. United States* (136 U. S., page 42). I will read it:

The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself and from the power given by the Constitution to make all needful rules and regulations respecting the territory or other property of the United States. It would be absurd to hold that the United States has power to acquire territory and no power to govern it when acquired. The power to acquire territory \* \* \* is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty, and belong to all independent governments. The power to make acquisitions of territory, by treaty and by cession, is an incident of national sovereignty. The Territory of Louisiana, when acquired from France, and the Territories west of the Rocky Mountains, when acquired from Mexico, became the absolute property and domain of the United States, subject to such conditions as the Government, in its diplomatic negotiations, has seen fit to accept relating to the rights of the people then inhabiting those Territories. Having rightfully acquired said Territories, the United States Government was the only one which could impose laws upon them, and its sovereignty over them was complete. No State of the Union had any such right of sovereignty over them; no other country or government had any such right. These propositions are so elementary and so necessarily follow from the condition of things arising upon the acquisition of new territory that they need no argument to support them.

Mr. PETTUS. I desire to ask the Senator a question simply for information. Is not that opinion from Justice Bradley a dissenting opinion?

Mr. GALLINGER. No; it is not a dissenting opinion. I do not understand that it is.

Mr. FORAKER. It is the opinion of the court.

Mr. GALLINGER. It is the opinion of the court as delivered by Mr. Justice Bradley.

The next case is that of *Brenner vs. Porter*, which is to be found in 9 Howard, 242. Mr. Justice Nelson, in delivering the opinion of the court in that case, tersely said:

They (speaking of Territories) are not organized under the Constitution nor subject to its complex distribution of the powers of government, as the organic law, but are the creations, exclusively, of the legislative department and subject to its supervision and control.

I also desire to put into the RECORD what is, perhaps, the latest judicial expression on this subject that has been made in this country. It was made only one year ago by Mr. Justice Morrow, whom many of us know, a distinguished judge in the Ninth district, who delivered the opinion of the court (I think there was no dissenting opinion) after having reexamined all of the authorities. It is manifest from the entire opinion, if the Senator from Alabama will take the trouble to read it, that Mr. Justice Morrow had gone all over this question carefully, and he delivered the unanimous opinion of the court in the following plain and unequivocal language:

The answer to these and other like objections urged in the brief of counsel for defendant is found in the now well-established doctrine that the Territories of the United States are entirely subject to the legislative authority of Congress. They are not organized under the Constitution, nor subject to its complex distribution of the powers of government as the organic law, but are the creation exclusively of the legislative department and subject to its supervision and control. (*Benner vs. Porter*, 9 How., 235, 242.) The United States, having rightfully acquired the territory, and being the only Government that can impose laws upon them, has the entire dominion and sovereignty, national and municipal, Federal and State. (*Insurance Co. vs. Canter*, 1 Pet., 511, 542; *Cross vs. Harrison*, 16 How., 164; *National Bank vs. Yankton Co.*, 101 U. S., 129, 133; *Murphy vs. Ramsey*, 114 U. S., 15, 44, 5 Sup. Ct., 747; *Late Corporation of Church of Jesus Christ of Latter-Day Saints vs. U. S.*, 181, 11 Sup. Ct., 949; *Shively vs. Bowlby*, 152 U. S., 1, 48, 14 Sup. Ct., 548.) \* \* \* It may legislate in accordance with the special needs of each locality, and vary its regulations to meet the conditions and circumstances of the people. Whether the subject elsewhere would be a matter of local police regulation or within State control under some other power it is immaterial to consider. In a Territory all the functions of government are within the legislative jurisdiction of Congress, and may be exercised through a local government or directly by such legislation as we have now under consideration. (*Endleman vs. United States*, 86 Fed. Rep., 456.)

Turning to the treaty of peace between the Kingdom of Spain



and the United States, under which Puerto Rico became the property of the United States, it is important that we do not lose sight of the fact that the treaty provides that "the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress."

Mr. President, I am not a lawyer, and of course would not undertake to argue legal questions with any lawyer in this body, whether he is eminently learned or not so learned, but I read language with a view of grasping its evident intent and meaning; and it does seem to me that the position that a portion of the lawyers of the Senate have taken, that we have absolute legislative control over Puerto Rico and over the Philippine Islands, is incontrovertible, and that we can safely proceed upon the assumption that that position is unanswerable.

Assuming that to be so, I turn to the bill, and what does the bill provide? And what does the amendment of my friend the Senator from Georgia provide? In the first place, the bill provides, in the section which the Senator from Georgia proposes to strike out, that we shall protect the Puerto Ricans by imposing a duty of 5 cents a pound upon coffee going into that country, and I have heretofore explained why the committee thought that was a wise thing to do.

We furthermore, in section 2, propose—

That all Spanish scientific, literary, and artistic works, not subversive of public order in Puerto Rico—

I believe that is the language of the treaty, is it not, I will ask the Senator from Ohio [Mr. FORAKER]?

Mr. FORAKER. It is.

Mr. GALLINGER. It proceeds—

shall be admitted free of duty into Puerto Rico for a period of ten years.

And—

That all books and pamphlets printed in the English language shall be admitted into Puerto Rico free of duty when imported from the United States.

In other words, we are giving those people, in whom we have so deep an interest, and in whom our Democratic friends especially pretend to have such an overwhelming interest, the advantage of a duty on coffee imported into Puerto Rico, and we give them books printed in the Spanish language, not subversive of public order, as well as books printed in the English language, free of duty.

Then, when we come to section 3, we provide the revenue that was contained in the bill that came here from the House of Representatives, which is 15 per cent, and which has excited so much interest, and concerning which so much false sympathy and unjustifiable misrepresentation have been indulged in in certain sections of our country. We do not impose the full Dingley rates upon these people, as the amendment submitted by the Senator from Georgia proposes to do. We simply impose a rate of 15 per cent, and whether that is a revenue or a protective duty I will not stop to argue.

We furthermore provide that after that money has been collected it shall be kept as a separate fund, and under the direction of the President of the United States shall be used for the benefit of the people of Puerto Rico. Not one dollar of it is to go into the Treasury of the United States.

Mr. President, the Senator from Georgia proposes to strike out those sections. He is going to deprive the Puerto Ricans of this duty upon coffee imported into the island. He is going to deprive them of the right of having, free of duty, books printed in the Spanish language, which the treaty provided they should have, and he is going to deprive them of books printed in the English language, free of duty, exported from the United States, and then he is going, in addition, to impose upon those poor people the full Dingley rate upon products imported into their country, not from the United States, but from foreign countries. That money is to go into the Treasury of the United States, to be used for the benefit of the people of the United States, and no part whatever of that money is to be applied to the people of the island.

I submit, Mr. President, that so far as the people and the interests of Puerto Rico are concerned—of course I understand the Senator from Georgia is raising a constitutional question here—

Mr. BACON. No.

Mr. GALLINGER. And very likely he wants to have a vote on the proposition whether we have a right to impose these duties that we have imposed under this bill. Of course the Senator will not deny that he wants that question adjudicated before the question upon the final passage of this bill is reached.

Mr. BACON. The Senator is not exactly stating me correctly.

Mr. GALLINGER. I will gladly yield to the Senator.

Mr. BACON. On the contrary, the amendment which has been offered to the bill, as it was previously framed did have the constitutional question in it. In order that it might be eliminated, that it might be taken care of at some other time, if practicable, and that Senators, regardless of the constitutional question, might pass upon the naked question whether or not there should be free trade between Puerto Rico and the remainder of the United States, I eliminated it and it is not in it.

Mr. GALLINGER. Of course, in passing upon the provisions that are now found in the bill, that question does arise. I submit, and it is all I care to say at this time, that the bill as it stands today is infinitely more liberal toward the people of Puerto Rico than the amendment submitted by the Senator from Georgia. The provisions of the bill will do infinitely more to relieve the distress and the suffering that exist in that island than can possibly result from the amendment submitted by the Senator from Georgia.

In conclusion, I wish to emphasize the fact that whatever individual Senators may say or do, the committee, which for three long weeks patiently listened in a close and uncomfortable committee room to a long hearing upon the subject of Puerto Rico, had only one object in view, and that was to legislate for the best interest of that people, and in such way as to relieve the distress and suffering that everybody who was before us testified existed in the island. The committee certainly have no disposition in any way to oppress those people or to wrong them, but, on the contrary, we want to lift them as speedily as possible from the suffering and the sorrow that are upon them and place them in a position of independence, of happiness and contentment.

Mr. President, in view of that fact, having gone over this matter with great care and deliberation, under the leadership of the distinguished Senator from Ohio [Mr. FORAKER], having this purpose and this purpose alone in view, I do sincerely hope that the amendment submitted by the Senator from Georgia may not be agreed to, and that the bill, so far as the sections under discussion are concerned, may be agreed to without any change whatever.

Mr. LINDSAY. Mr. President, I do not feel that I am subject to the criticism of the Senator from New Hampshire [Mr. GALLINGER]. I have not insisted that Puerto Rico is a part of the United States. I have not insisted that the Constitution now applies to Puerto Rico or that in legislating for Puerto Rico we are bound in all respects to conform to all the limitations of the Constitution; and I hope the amendment proposed by the Senator from Georgia will be so perfected that when the Senate comes to vote upon it no Senator shall be constrained to vote against it because in any degree or to any extent it undertakes directly or by inference to settle the vexed question of our power to legislate in regard to Puerto Rico. Fearing that the amendment he proposes may give some Senator an excuse to vote against it upon the idea that it does express an opinion one way or the other, I shall ask him to accept an amendment to his amendment which will certainly take out of the amendment anything that looks to the expression of an opinion one way or the other.

I shall do this for the purpose of affording the Senate an opportunity to vote upon the question of free trade between the people of Puerto Rico and the people of the United States, and I shall do it because it is an American island. I shall do this because these people, whether in or out of the Union, are American people, and I shall do this because without its being done we will not keep the pledge we made to these people when they accepted the authority of the United States and disclaimed any further allegiance to Spain. I shall do this to keep the pledge made by General Miles when he occupied this island. I shall do it because it is just in itself as recognized by the military governor of Puerto Rico, recognized by the Secretary of War, and as recognized by the President of the United States when he said to Congress that it was our plain duty to establish free trade between the people of the United States and the people of Puerto Rico, and when he explained that he had forbore to do it himself because he had no power to suspend the operation of the Dingley tariff act as to goods brought into the collection districts of the United States.

I shall ask the Senator from Georgia so to amend his amendment as to strike out all after the word "ninety-seven," in line 12, and insert in lieu thereof the following:

And on and after the passage of this act trade between the customs collection district hereby established for the island of Puerto Rico and the customs collection districts of the United States, now in existence or which may hereafter be established, shall be free from all import or tariff duties, and all laws or parts of laws now or heretofore requiring or authorizing the collection of import or tariff duties on articles of commerce between any of the customs collection districts herein named are to that extent hereby repealed.

Mr. BACON. With the consent of the Senate, I will accept that amendment and let it stand as the original amendment.

Mr. FORAKER. I ask that the amendment as modified may be stated.

The PRESIDENT pro tempore. The Senator from Georgia modifies his amendment as suggested by the Senator from Kentucky. The amendment offered by the Senator from Georgia as modified will be read.

The SECRETARY. In section 2, line 12, after the date "1897," it is proposed to strike out:

And on and after the date when this act shall take effect, organizing and establishing civil government in Puerto Rico, there shall, in accordance with section 8, Article I, of the Constitution of the United States, be no duties or imposts levied, collected, or paid upon any articles imported into Puerto Rico from any part of the United States, and no duties or imposts shall be levied, collected, or paid upon any articles imported into any part of the United States from Puerto Rico.



And to insert:

And on and after the passage of this act trade between the customs collection district hereby established for the island of Puerto Rico, and the customs collection districts of the United States now in existence or which may hereafter be established shall be free from all import or tariff duties, and all laws or parts of laws now or heretofore requiring or authorizing the collection of import or tariff duties on articles of commerce between any of the customs collection districts herein named are to that extent hereby repealed.

Mr. FORAKER. Mr. President, I wish to make an inquiry in order that I may get the precise parliamentary status. The Senate had under consideration an amendment proposed by the committee to section 2. The Senator from Alabama [Mr. PETTUS] moved to amend that amendment by striking out the first proviso. That proposition to amend did not prevail. Thereupon the Senator from Georgia [Mr. BACON] offered an amendment to the amendment proposed by the committee, which was to substitute what he proposed for the entire section. Now, what is it that the amendment as it has just been changed is proposed to take the place of?

Mr. BACON. I will state to the Senator from Ohio that the Senator from Kentucky [Mr. LINDSAY] asked me to accept an amendment to the amendment offered by me, to take the place of the last clause of my amendment. In other words, if the Senator has my amendment before him—

Mr. FORAKER. I have it before me.

Mr. BACON. The proposition of the Senator from Kentucky is to strike out all after the date "1897," on page 12.

Mr. FORAKER. I am familiar with that, but what I wanted to know was what is it that is offered in lieu of that—the whole of sections 2 and 3?

Mr. LINDSAY. Sections 2 and 3.

Mr. BACON. Sections 2 and 3. I suggest to the Secretary, as stated by the Senator from Kentucky, to read the entire amendment as it will appear after the acceptance of his amendment by me.

The PRESIDENT pro tempore. The Secretary will read the amendment, as requested by the Senator from Georgia.

Mr. FORAKER. In answer to the Senator's inquiry, I will say that we were proceeding to perfect the bill in accordance with the amendments proposed by the committee in so far as they might prevail. It seems to me that the amendment now offered ought not to be offered until after the amendment proposed by the committee shall have been acted on. Then the Senator can move to strike out sections 2 and 3, as the Senate may agree upon them after the amendments have been acted upon. It is a little irregular now to move to strike out those sections, because they have not been perfected.

The PRESIDENT pro tempore. The Senator from Georgia has the undoubted right to offer any amendment which he wishes, and the Senator from Ohio has the undoubted right to perfect the two sections before final action on the amendment offered by the Senator from Georgia.

Mr. BACON. Yes, sir.

Mr. GALLINGER. Am I not right in the suggestion that if those amendments should be adopted, they would not then be amendable until the bill came into the Senate?

The PRESIDENT pro tempore. Yes; it would be in order to move to strike out the entire section.

Mr. GALLINGER. So that now, beyond question, is the proper time to move to strike out the sections, if it is to be done as in Committee of the Whole.

Mr. FORAKER. If the Senator will allow me, it seems to me there ought not to be a motion to strike out the sections until after they have been perfected.

Mr. GALLINGER. I quite agree to that.

Mr. FORAKER. As soon as they are perfected the Senator from Georgia can offer his amendment.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment which will be stated.

The SECRETARY. In lieu of sections 2 and 3 it is proposed to insert:

SEC. 2. That on and after the date when this act shall take effect there shall be levied, collected, and paid upon all articles imported from foreign countries into Puerto Rico, which is hereby constituted a customs collection district, the rates of duty mentioned and prescribed in the schedules and paragraphs of an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897; and on and after the passage of this act trade between the customs collection district hereby established for the island of Puerto Rico and the customs collection districts of the United States now in existence or which may hereafter be established shall be free from all import or tariff duties, and all laws or parts of laws now or heretofore requiring or authorizing the collection of import or tariff duties on articles of commerce between any of the customs collection districts herein named are to that extent hereby repealed.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Ohio [Mr. FORAKER], on behalf of the committee, to section 2.

The amendment was agreed to.

The PRESIDENT pro tempore. The question now is on the

amendment offered by the committee to section 3; which will be stated.

Mr. PETTUS. Mr. President, there is an amendment proposed by me to that section which I suppose, under the ruling of the Chair, will have to wait until the committee amendments are acted upon. I have already proposed an amendment to strike out of that section down to the word "countries," in line 9; that is to isolate the question as to the tariff duties on goods from Puerto Rico to the United States and from the United States to Puerto Rico and make it a question in itself without any other question connected with it. I want that acted on at the proper time.

The PRESIDENT pro tempore. Has the amendment been printed?

Mr. PETTUS. It has been presented, and ordered to be printed.

Mr. FORAKER. I presume that will come up after the committee amendments have been acted upon?

The PRESIDENT pro tempore. If the Senator desires to amend the proposed amendment of the committee, it is entirely in order.

Mr. PETTUS. What I propose is not an amendment to the committee amendment; it is an amendment of the original text.

The PRESIDENT pro tempore. Then the question is on the amendment proposed by the committee to section 3; which will be stated.

The SECRETARY. On page 4, section 3, after the end of line 1, it is proposed to insert:

*Provided*, That on and after the date when this act shall take effect all merchandise and articles, except coffee, not dutiable under the tariff laws of the United States, and all merchandise and articles entered in Puerto Rico free of duty under orders heretofore made by the Secretary of War, shall be admitted into the several ports thereof, when imported from the United States, free of duty, all laws or parts of laws to the contrary notwithstanding; and whenever the legislative assembly of Puerto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Puerto Rico, by this act established, and shall by resolution duly passed so notify the President, he shall make proclamation thereof, and thereupon all tariff duties on merchandise and articles going into Puerto Rico from the United States or coming into the United States from Puerto Rico shall cease, and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty; and in no event shall any such duties be collected after the 1st day of March, 1902.

The PRESIDENT pro tempore. Has the Senator from Alabama proposed an amendment to the committee amendment which has just been stated?

Mr. PETTUS. I have not; but my amendment was presented in the Senate this morning.

The PRESIDENT pro tempore. It has not yet been printed?

Mr. PETTUS. It has not yet been printed, I suppose; but it was presented to the Senate this morning. It is simply to strike out all of section 3, on page 3, from the beginning down to the word "countries," in line 9.

The PRESIDENT pro tempore. That will be entirely in order after the committee amendment shall have been acted upon.

Mr. PETTUS. This is not an amendment to the committee amendment at all, Mr. President. It is an amendment to the original text of the bill.

The PRESIDENT pro tempore. That, then, will be in order at any time.

The question is on the amendment proposed by the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments by the committee to sections 2 and 3.

Mr. FORAKER. I have no further amendments to offer to those sections on behalf of the committee.

Mr. GALLINGER. I beg to say that under the amendment which has just been adopted—and I am gratified that it was adopted—the free list—and the Senator from Ohio will correct me if I make a misstatement—which the President of the United States has by Executive order made for Puerto Rico, which includes breadstuffs, and perhaps the Senator from Ohio can tell what other articles, is enacted into law, and that that free list, if this bill shall become a law, will apply to the people of Puerto Rico, giving them free trade in many of the necessities of life.

Mr. FORAKER. It very largely increases the free list of the Dingley law. The free list, made by Executive order, does not correspond exactly with the free list of the Dingley law. It extends to flour, rice, corn meal, fish, and other articles known as food stuffs, and the like, that will go into Puerto Rico under this provision free of duty; and only such articles as are not embraced in the free list of the Dingley law, or in some Executive order, will pay the 15 per cent going into Puerto Rico.

Now, in answer to the inquiry of the Chair, the committee has no further amendments to offer to sections 2 and 3; but we have amendments to offer to section 4.

The PRESIDENT pro tempore. Then the amendment proposed by the Senator from Alabama would be in order as affecting section 3.

Mr. BACON. The amendment proposed by the Senator from Alabama is an amendment to that section.

The PRESIDENT pro tempore. It is an amendment to that section, as the Chair understands.

Mr. PETTUS. It is an amendment to section 3.  
Mr. BACON. And because it is an amendment to section 3 the amendment I have moved would be in order.

The PRESIDENT pro tempore. The amendment of the Senator from Georgia will be clearly in order as soon as these two sections are perfected so far as the Senate desires to perfect them.

Mr. BACON. That is the reason I made the inquiry as to whether the amendment of the Senator from Alabama was directed to section 3.

Mr. PETTUS. I now desire that the Secretary shall report to the Senate the exact amendment proposed—what I propose to strike out—so that Senators may see that it applies to nothing in the world but the tariff on goods going from the United States into Puerto Rico and the tariff on goods coming from Puerto Rico into the United States. It includes that idea and nothing else.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Alabama [Mr. PETTUS].

The SECRETARY. On page 3, section 3, beginning in line 3, it is proposed to strike out:

That on and after the passage of this act all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry upon payment of 15 per cent of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Alabama.

Mr. PETTUS. I ask for the yeas and nays on the amendment. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I understand that the senior Senator from Nevada [Mr. JONES] is absent and not paired. I will take the liberty of transferring my pair to him and of voting. I vote "yea."

Mr. HANSBROUGH (when his name was called). Under the arrangement entered into this morning I transfer my pair with the Senator from Virginia [Mr. DANIEL] to the Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "yea."

Mr. McLAURIN (when his name was called). I am paired with the junior Senator from North Carolina [Mr. PRITCHARD], and therefore withhold my vote.

Mr. PETTUS (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. HOAR], but on this question he authorized me to vote, saying that he would vote against any of these tariffs between Puerto Rico and the United States. Therefore, independently of any arrangement that was suggested by the junior Senator from Massachusetts [Mr. LODGE] this morning, I shall vote. I vote "yea."

Mr. LODGE. My colleague [Mr. HOAR] yesterday, upon leaving town, directed me to say that he would vote for any free-trade amendment and against the passage of the bill if it did not contain a free-trade amendment. He asked me to release the Senator from Alabama [Mr. PETTUS] from his pair and to find him another pair, which I have done, and my colleague now stands paired with the Senator from Louisiana [Mr. McENERY] on all these questions.

Mr. CHANDLER. I am authorized by the Senator from Louisiana [Mr. McENERY] to pair him, and he stands paired, under the announcement made by the junior Senator from Massachusetts [Mr. LODGE], with the senior Senator from Massachusetts [Mr. HOAR].

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO], but I transfer that pair to the junior Senator from Illinois [Mr. MASON] and vote "yea."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from Washington [Mr. TURNER]. I propose to transfer that pair, so that he will stand paired with the Senator from Rhode Island [Mr. ALDRICH], and I will vote. I vote "yea."

Mr. WELLINGTON (when his name was called). I should like to inquire whether the Senator from North Carolina [Mr. BUTLER] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. WELLINGTON. I should like to inquire further if Senators upon the other side have any idea as to how the Senator from North Carolina, if present, would vote upon this question?

Mr. HARRIS. I am quite satisfied that the Senator from North Carolina, if present, would vote "yea" on this proposition.

Mr. WELLINGTON. That being the case, I shall vote. I vote "yea."

The roll call was concluded.

Mr. HANNA. I have a general pair with the Senator from Utah [Mr. RAWLINS], which I transfer to the Senator from Colorado [Mr. WOLCOTT], and vote. I vote "yea."

Mr. McBRIDE. I have a general pair with the Senator from Mississippi [Mr. MONEY]. I transfer that pair to the Senator from Colorado [Mr. TELLER] and vote. I vote "yea."

Mr. BURROWS. I am paired with the Senator from Louisiana [Mr. CAFFERY].

Mr. JONES of Arkansas. I am paired generally with the Senator from Connecticut [Mr. PLATT], but I transfer that pair to the Senator from South Dakota [Mr. PETTIGREW], and vote. I vote "yea."

Mr. McBRIDE. My colleague [Mr. SIMON] if present would vote "yea." I announce his pair, as stated by the Senator from North Dakota [Mr. HANSBROUGH], who has charge of the pairs, with the Senator from New York [Mr. DEPEW], who if present would vote "yea."

Mr. SCOTT. My colleague [Mr. ELKINS] is paired with the Senator from Texas [Mr. CHILTON]. My colleague would vote "yea" if present.

Mr. PLATT of New York (after voting in the negative). I have a general pair with the Senator from Idaho [Mr. HEITFELD] and inquire if he has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. PLATT of New York. Then I withdraw my vote.

Mr. BERRY. The Senator from Texas [Mr. CHILTON] is absent by reason of sickness. He is paired with the Senator from West Virginia [Mr. ELKINS]. If the Senator from Texas were present he would vote "yea."

Mr. CLARK of Montana. I ask if the Senator from Indiana [Mr. BEVERIDGE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. CLARK of Montana. Then I withhold my vote. I should vote "yea" if at liberty to vote.

Mr. JONES of Arkansas. I suggest to the Senator from Montana that he transfer his pair with the Senator from Indiana to the Senator from North Carolina [Mr. BUTLER], who is absent without a pair.

Mr. CLARK of Montana. I shall be very glad to do that. I vote "yea."

The result was announced—yeas 16, nays 33; as follows:

## YEAS—16.

Bacon,	Clay,	Jones, Ark.	Pettus,
Bate,	Cockrell,	Kenney,	Sullivan,
Berry,	Culberson,	Lindsay,	Turley,
Clark, Mont.	Harris,	Morgan,	Wellington.

## NAYS—33.

Allison,	Foraker,	Kean,	Scott,
Baker,	Foster,	Kyle,	Sewell,
Bard,	Frye,	Lodge,	Shoup,
Carter,	Gallinger,	McBride,	Spooner,
Chandler,	Gear,	McComas,	Warren,
Clark, Wyo.	Hale,	McMillan,	Wetmore,
Cullom,	Hanna,	Perkins,	
Deboe,	Hansbrough,	Quarles,	
Fairbanks,	Hawley,	Ross,	

## NOT VOTING—38.

Aldrich,	Elkins,	Money,	Stewart,
Allen,	Heitfeld,	Nelson,	Taliaferro,
Beveridge,	Hoar,	Penrose,	Teller,
Burrows,	Jones, Nev.	Pettigrew,	Thurston,
Butler,	McCumber,	Platt, Conn.	Tillman,
Caffery,	McEnery,	Platt, N. Y.	Turner,
Chilton,	McLaurin,	Pritchard,	Vest,
Daniel,	Mallory,	Proctor,	Wolcott.
Davis,	Martin,	Rawlins,	
Depew,	Mason,	Simon,	

So the amendment of Mr. PETTUS was rejected.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Georgia [Mr. BACON].

Mr. BACON. Several Senators on this side of the Chamber have requested that this amendment be not acted on to-day, but that it be allowed to go over until to-morrow without losing its place. I have consulted with the Senator from Ohio and he is willing that it may be done, in order that the amendment as it has been amended may be printed.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Georgia that his amendment shall go over until to-morrow. The Chair hears none, and it is so ordered.

Mr. FORAKER. I now ask consideration of the amendment proposed by the committee to section 4.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 5, line 5, section 4, insert:

And the Secretary of the Treasury shall designate the several ports and supports of entry in Puerto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Puerto Rico by the provisions of this act, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions thereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FORAKER. I ask that there may be added to that amendment the following as an addition.



The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of the amendment just adopted insert the following proviso:

*Provided, however,* That as soon as a civil government for Puerto Rico shall have been organized in accordance with the provisions of this act and notice thereof shall have been given to the President he shall make proclamation thereof, and thereafter all collections of duties and taxes in Puerto Rico under the provisions of this act shall be paid into the treasury of Puerto Rico, to be expended as required by law for the government and benefit thereof instead of being paid into the Treasury of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio.

The amendment was agreed to.

Mr. FORAKER. I introduced this morning a substitute for section 5, which the committee propose to strike out. It is section 33 of the Dingley law. The amendment as I sent it to the desk this morning has been sent to the Public Printer, and therefore I will ask to read it from the Dingley law with just such variations, which are very slight, as are necessary to make it applicable to this bill.

I propose the following as a substitute for section 5, which I move to strike out; that is, I move to strike out section 5 and to insert the following as section 5:

That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported from Puerto Rico, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and to no other duty, upon the entry or the withdrawal thereof: *Provided,* That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

Mr. GALLINGER. I hope the Senator will briefly explain that amendment. I have not seen it.

Mr. FORAKER. I will take pleasure in doing so. I am looking for a letter I received this morning, if I can find it; but I can explain it without the letter. I do not find it just at the moment, but the information has come to me by various letters which I have received that the people in Puerto Rico, many of them, becoming impatient about our action, have shipped goods to the United States, some of which are now on the sea, while some have been entered in bond, the idea being in shipping them here now that they would put them in bond in anticipation of our action until we legislate, and then they would be taken out of the bonded warehouse.

The purpose of it is to make the same duty applicable to goods that are now on the way here, and goods that may be received before this measure becomes a law, or which have already been received and may be now in bonded warehouses, that will apply to goods that will be shipped from Puerto Rico and be entered here after the law goes into effect; in other words, they would thus pay only 15 per cent instead of the full Dingley rates. I believe in every tariff act that we have enacted there has been a similar provision, that goods entered in bonded warehouses without the payment of duty before the act takes effect shall, when taken out after the act takes effect, pay only the duties provided by the act.

The PRESIDENT pro tempore. The Secretary will read the amendment of the Senator from Ohio. The Senator from Ohio will please follow the amendment as read by the Secretary.

The SECRETARY. On page 5, line 14, strike out section 5 and insert:

That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported from Puerto Rico for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and to no other duty, upon the entry or the withdrawal thereof: *Provided,* That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FORAKER. I now propose to amend by inserting on page 6, line 2, after the word "citizens," the following: "of Puerto Rico, and as such entitled to the protection."

Mr. GALLINGER. The Senator wants to change the numbering of the sections, but I presume the clerks will do that.

Mr. FORAKER. I thought that later I would ask that the numbering be changed to correspond with such changes as may be made.

The PRESIDENT pro tempore. What does the Senator do with section 5, "that the capital of Puerto Rico shall be in the city of San Juan, etc.?"

Mr. FORAKER. That is the committee amendment. I beg pardon. Let it be acted on.

The PRESIDENT pro tempore. The amendment will be stated.

The Secretary read as follows:

#### GENERAL PROVISIONS.

SEC. 5. That the capital of Puerto Rico shall be at the city of San Juan and the seat of government shall be maintained there.

The PRESIDENT pro tempore. Will the Senate agree to the amendment to section 5?

The amendment was agreed to.

Mr. MORGAN. We are now acting on the amendment of the Senator from Ohio?

The PRESIDENT pro tempore. No; it was section 5, the former amendment. Now comes the amendment to section 6.

Mr. FORAKER. The amendment to section 6 will now be acted upon.

The PRESIDENT pro tempore. The Secretary will read the amendment to section 6.

The SECRETARY. On page 5, line 23, insert:

SEC. 6. That all inhabitants continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in Puerto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April, 1900, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April, 1899; and they, together with such other citizens of the United States as may reside in Puerto Rico, shall constitute a body politic under the name of The People of Puerto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued as such.

The PRESIDENT pro tempore. The Senator from Ohio moves to amend, on page 6, line 2, by inserting, after the word "citizens," the words "of Puerto Rico, and as such entitled to the protection."

Mr. MORGAN and Mr. BACON addressed the Chair.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. BACON. Mr. President, two of us were on the floor objecting to the amendment when the Chair was putting the question.

The PRESIDENT pro tempore. The question is still open.

Mr. BACON. I only take the liberty of speaking because the Senator from Alabama did not make himself heard. I want also, however, to address the Senate upon the amendment.

Mr. MORGAN. Mr. President, the Constitution of the United States provides, in Article XIV of the amendments:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

The Supreme Court has passed upon that very recently, and they have held that a child of Chinese parents born in the United States is a citizen of the United States. I forget exactly where that child was born—whether it was in a Territory or in a State.

Mr. FORAKER. It was born in California.

Mr. MORGAN. Yes; it was born in California. They have upheld, in other words, the provisions of the Constitution of the United States as to those persons who come into existence here of parentage, neither of whose parents is a citizen of the United States. It seems to me that that decision and that clause of the Constitution are violated by the proposed amendment now presented by the committee.

Mr. SPOONER. You mean as to the children?

Mr. MORGAN. As to the children and as to the persons; certainly as to the children, because the children who are born in Puerto Rico after the date of the passage of this bill are at least born so much within the United States as to be citizens of the United States thereof, for we extend the laws of the United States over that country, many of them specifically, and in a provision here nearly all of them generally. So we are excluding now by an act of Congress those people from citizenship hereafter to be born in Puerto Rico who are made citizens of the United States by the Constitution.

Now, there can not be any sound reason, Mr. President, in party politics for going around the Constitution in this absurd way. We had better come up to our duty and recognize these people, as the Constitution of the United States recognizes them, as being citizens of the United States by the decree of the supreme power of the land. I have never in my life seen, nor has anybody else ever seen, so much twisting and turning for the purpose of finding some opportunity to get this bill through without recognizing the authority of the Constitution of the United States in a territory that we have acquired in sovereignty by a treaty with a foreign power; and it is not proper, it is not meet or becoming, that the Senate of the United States should treat the Constitution of our country in such a light, frivolous, and improper way.

But the text of the amendment itself contains a most objectionable feature. The text of the proposed amendment now is that they shall be held to be citizens of Puerto Rico. Citizens of Puerto Rico! What is Puerto Rico? Whether it is a part of the United States or whether it is a dependency, it can not have a citizenship separate from the citizenship of the United States unless it is really an independent sovereign power, and that is more particularly emphasized in the following part of the same amendment:

And as such entitled to the protection of the United States.



Citizens of Puerto Rico, a separate government, entitled to the protection of the United States! Are we going in there as intruders to give our protection to a country over which we refuse to recognize the fact that we exercise dominion enough to make their people citizens of the United States? Now, is this intended to give protection to the citizens of Puerto Rico or is it intended to give protection to Puerto Rico itself as a political entity?

What is a government, Mr. President, but the people who occupy it? It is not the houses and the land and the ocean that surrounds that island that makes a government. If there were no people there, there would be no government there. When there are people there and they are spoken of in this aggregated sense as citizens of Puerto Rico, the government that we recognize there is a government of, by, and through the citizens of Puerto Rico as a body politic. Therefore the effect of this arrangement, whatever may be its purpose, is to give protection to Puerto Rico as a separate political entity, as a foreign power, as a power under our protection. That is what it means. That is what it means in the law. That is what everybody is obliged to understand that it means by the simple reading of the text.

Now, a government can not be protected by another government that has no sovereignty. The idea of protection in all diplomatic usage and in the laws of nations always implies that the party that is protected is a sovereign power, but is suzerain, under the subjection of the other government to a certain extent; and whenever we undertake to give to the citizens of Puerto Rico, individually or as a body or as a body politic, protection, we at once recognize their independence, their separation from us, their autonomous condition, their right of local self-government.

In what respect are we going to protect these people and against whom are we going to protect them? Protect them against themselves? Protect them so as to give them the benefits of the Constitution of the United States and the laws of the United States? Protect them against their own government, their own people, or against foreign powers? What is meant by the protection that is furnished in this amendment over the people of Puerto Rico? Who will give it a legal definition? Who will undertake to say what the Government of the United States pledges itself to here when we solemnly assert and avow that we intend to give to the people of Puerto Rico protection? It can not have any other meaning than that we give them protection against foreign powers or against some emente or insurrection or turbulence that may occur within the limits of their island, within the power of that government.

We give protection to our people here, not with armies and not with acts of Congress simply, but we give them judicial protection. We have in times of peace, when a state of war is not existing in any part of the United States or any of its dependencies, no power to give protection to the citizenship except to the agencies of the law executed by the police or military power of the Government of the United States, or executed by the judgment of its courts.

Now, what protection is it that we are promising to these people? Is it something, Mr. President, that is to be of no value, undefinable? Will the Senator from Ohio define before the Senate of the United States the character of the protection he proposes to give to the people of Puerto Rico under this act and the agency through which that protection is to be extended? Unless that can be done this is a vain and empty declaration. It is something that ought not to be in the bill. It is an attempt to meet the argument that some man suggests on this floor, that after all he does not want the people of Puerto Rico to be citizens of the United States, or that they are not such, or that they shall be prevented from becoming such by an act of Congress; that is all.

Now, unless the Senator from Ohio or this committee can explain to the Senate what is meant by the protection they propose to give, then, Mr. President, we are engaging here in a vain endeavor to do something that we ourselves can not state what it is. We are not driven to these extremities by any emergency or exigency of legislation or politics here to-day. We had very much better take these people in hand as we have taken in hand our relations to all the other people we have ever annexed to the United States, and treat them as all those people have been treated—as citizens of the United States.

We made an engagement of that kind in regard to every country that we have annexed, even in regard to Russians in Alaska. All the people, including the Indians, the Kamchatkans, or whoever they may be up in that region in Alaska, are made citizens of the United States. So they were in Florida; so they were in the Louisiana territory; so in Texas; so in Mexico, and so in Hawaii. We take the whole body, black and white, red and yellow, rich and poor, into the bosom of the citizenship of the United States, and no one has ever heard yet of any difficulty or trouble coming to the United States on that account. There is no reason why we should not do it. But there is every reason why we should not

abandon the principles of the Government of the United States and create in Puerto Rico a separate autonomous government under our protection.

Why, Mr. President, a government under our protection is not an autonomous government; it is not a government republican in form. A government republican in form is one that has the right of local self-government to whatever extent the sovereign power chooses to confer it. We are pledged in the fourth section of the fourth article of the Constitution that we will give to every State in the American Union a government republican in form. Now, can a government be republican in form that stands outside of the American Union, or that stands within the range simply of its protection? No, sir. There is no protectorate provided for in our Constitution. Our Constitution in the initiation of it founded, as I had occasion to remark in the Senate a few days ago, the great Northwestern Territory, now comprising four great States, in a state of organization as a Territorial government under the articles of confederation. The Congress of the United States in one of the very first acts that it passed took up the Northwestern Territory and continued that government, and that government made the people of the Northwestern Territory citizens of the United States. Even the Indian tribes were made citizens of the United States.

By that I mean, Mr. President, they were given the right to the protection of our flag, the right when they came to be tried by civil tribunals to trial by jury, the right to be taxed equally with other people, because in the basis of representation we expressly refer to Indians that are not taxed and exclude them, and only them, from the basis of representation. When they are taxed, then what are they? Does a tax change the citizenship? No, sir. They are citizens of the United States in that broad and general and magnanimous idea which conveys over them all of the benefits of the protection of the Constitution and laws of the United States administered under the Constitution and in accordance with it.

These people can not have protection given to them by the Government of the United States as an emperor would give to his subjects and dole it out to them without reference to the organic law which controls its action. When we come to protect these people in the island of Puerto Rico, are we to protect them free from the restraints of the Constitution? Are we to give them some kind of protection not known to the Constitution? Where will this power of protection find its sanction? Where will it find the element of its authority and the direction it shall take? In the Constitution of the United States, or nowhere.

So that this attempt, Mr. President, merely to gratify the idea of some gentleman who can not see through the subject, or does not want to see through the subject, is an effort on the part of this committee to do something which violates the very organic law and the fundamental principles of the Government of the United States. I think that ought to be stricken out.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment to the amendment of the committee.

Mr. BACON. Mr. President, this is a very important question. It certainly can not be decided by the small number of Senators who are here. I therefore suggest—

Mr. FORAKER. Will the Senator allow me?

Mr. BACON. Certainly.

Mr. FORAKER. I suggest, in view of what he is about to say, that we pass this over until to-morrow.

Mr. BACON. Yes, sir.

Mr. FORAKER. And allow me to ask that the sections which by reason of what we have adopted have become unnecessary, sections 8, 9, and 10, may be stricken out, so that we may have a reprint of the bill to-night.

Mr. MORGAN. I make no objection.

Mr. PETTUS. Not to change it?

Mr. FORAKER. No; not to change it; simply striking out. Shall I proceed in regular order until I come to those? Upon the suggestion of the Senator from Georgia, I will pass over that amendment, if there is no objection, and ask that we may take up the other amendments.

The PRESIDING OFFICER. Is there objection to the subject being passed over? The Chair hears none.

Mr. MORGAN. This amendment goes over until to-morrow.

Mr. FORAKER. It goes over until to-morrow, and I think section 7 also. I think the word "statutory" is to be inserted there.

The PRESIDING OFFICER. Without objection, section 7 will be passed over.

Mr. FORAKER. Sections 6 and 7. New section 8.

The PRESIDING OFFICER. The Secretary will read the section.



The Secretary read as follows:

SEC. 8. That the Commissioner of Navigation shall make such regulations, subject to the approval of the Secretary of the Treasury, as he may deem expedient for the nationalization of all vessels owned by the inhabitants of Puerto Rico on the 11th day of April, 1899, and which continued to be so owned up to the date of such nationalization, and for the admission of the same to all of the benefits of the coasting trade of the United States; and the coasting trade between Puerto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. PETTUS. When this was up before, this very amendment was adopted; but there was added to it at the end by making the period a comma and adding "of the United States."

Mr. FORAKER. The statement made by the Senator from Alabama is correct, as I very well remember. It was overlooked because it appeared at a different place in the RECORD from where the amendment was adopted. I ask that those words may be inserted.

Mr. PETTUS. That amendment has been adopted.

Mr. FORAKER. It already has been adopted. After the word "districts," at the end of section 8, as it is in this reprint, the period shall be changed to a comma, and the words shall be added "of the United States."

The PRESIDING OFFICER. The Senator has a right to modify the amendment. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The PRESIDING OFFICER. The Secretary will read the next amendment.

The Secretary read as follows:

SEC. 9. That quarantine stations shall be established at such places in Puerto Rico as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations relating to the importation of diseases from other countries shall be under the control of the Government of the United States.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 10. That for the purpose of retiring the Puerto Rican coins now in circulation in Puerto Rico and substituting therefor the coins of the United States, the Secretary of the Treasury is hereby authorized to redeem, on presentation in Puerto Rico, all the silver coins of Puerto Rico known as the peso and all other silver and copper Puerto Rican coins now in circulation in Puerto Rico, not including any such coins that may be imported into Puerto Rico after the 1st day of February, 1900, at the present established rate of 60 cents in the coins of the United States for 1 peso of Puerto Rican coin, and for all minor or subsidiary coins the same rate of exchange shall be applied. The Puerto Rican coins so purchased or redeemed shall be recoined at the expense of the United States, under the direction of the Secretary of the Treasury, into such coins of the United States now authorized by law as he may direct, and from and after three months after the date when this act shall take effect no coins shall be a legal tender, in payment of debts thereafter contracted, for any amount in Puerto Rico, except those of the United States; and whatever sum may be required to carry out the provisions hereof, and to pay all expenses that may be incurred in connection therewith, is hereby appropriated, and the Secretary of the Treasury is hereby authorized to establish such regulations and employ such agencies as may be necessary to accomplish the purposes hereof: *Provided, however*, That all debts owing on the date when this act shall take effect shall be payable in the coins of Puerto Rico now in circulation, or in the coins of the United States at the rate of exchange above named.

Mr. MORGAN. On page 8, line 20, I propose to strike out "sixty" and insert "one hundred."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. Section 10, page 8, line 20, after the word "of" it is proposed to strike out "sixty" and insert "one hundred;" so as to read "one hundred cents."

Mr. MORGAN. Mr. President, I wish to say a few words about the amendment. We have heard a great many complaints about the poor, distressed, and dilapidated condition of Puerto Rico. For my part, I have not been able, with any degree of accuracy, to locate the facts upon which those propositions have been based. Senators speak about a storm-swept island and about the failure of crops and the various distresses that have been visited upon it by the appearance of troops in their midst. So far as the appearance of troops in Puerto Rico is concerned, I have no doubt it has been a great financial resource to those people. The payment of our soldiers there and the trading that has been done in Puerto Rico have furnished those people with a large amount of money in commercial dealings that otherwise they would not have had. So I do not think the presence of the army there has inflicted any particular harm upon those people. Our troops have not devastated their farms or orchards nor robbed their houses or anything of the kind.

Perfect order has been maintained and was maintained while General Miles was there and in the command since that time.

No Puerto Rican, I think, has ever sent a complaint to the United States of irregularity, or injustice, or maraud against the Army of the United States. We can dismiss any consideration in connection with their poverty as resulting from a supposed infliction of harm upon them by the presence of the army. The tornado has been very largely compensated for. A great amount of money has been spent there in public works and otherwise to give those people employment. The million of inhabitants in Puerto Rico have had more money spent upon them by the Government of the United States since the flag of Spain was lowered upon that island than any million people have ever had spent upon them in the United States, the Indians not excepted, and we have spent mints of money upon the Indians. So I do not credit fully these clamors of distress that are coming from Puerto Rico.

There is a better reason than that for it all. If Senators will examine a table which I extracted from General Davis's report and put into the RECORD a few days ago, they will find that there are \$31,000,000 of mortgage indebtedness upon the million people in Puerto Rico, fastened, of course, upon the land, and that that debt bears interest all the way from 6 per cent to above 24 per cent. Very large blocks of it bear interest at 16, 18, 20, 24, and above 24 per cent. It is a mortgage-ridden, usury-ridden people in that country, and they are suffering from it as no people ever suffered before, unless it may be in the island of Cuba or the Philippine Islands under Spanish rule. It has been a part of the Spanish system of rule to throw the virtual ownership of land in all these outlying islands into the hands of certain favored sons of Spain or certain favored people residing in them and to establish in connection with a system of peonage there the utter subordination of those people as laborers in that way and to that degree that it is impossible almost for them to live.

Now, while we are dealing with this subject we might as well look at that fact as being the one hideous and monstrous fact that is the cause of the distress in Puerto Rico. We will have it here after a while. It is on the gradual ascendancy in this country, and our people in times to come will feel the burden of the same outrage and calamity. But it is enough to deal with it here now. Here are the facts stated authentically by Governor Davis, and in all the debates that have gone on and in all the investigations of the committee not one word has been said in regard to this terrific burden of debt resting upon the island of Puerto Rico. All this clamor about tariffs and duties and the like of that comes more from the men who absorb these crops under these mortgages than it does from the poor laboring wretches who go about barefooted and hunt their way through pathless forests to the field of labor. That is the truth about it. We had better look into this subject a little bit more narrowly than we have been doing before, and with a better and keener eye to actual human relief and justice.

Now we come to their financial condition. Here are the *petetas*, the small coins of small Puerto Rico, and the *peso*, the larger coin, corresponding to our dollar, which, under the laws of Spain, are legal tender for debt. The debts in Puerto Rico have been contracted with reference to this very currency. When we have gone there we have not altered the legal-tender laws. There has been no change in the legal-tender laws of Puerto Rico. A peon can buy his food and a debtor can pay a debt in Puerto Rico to-day in the currency that we found there when we took possession of the island—legal-tender silver currency. Our coins have gone in there, and the merchants have priced them at 45 to 50 per cent above the nominal value of the Spanish coins—that is to say, a Spanish *peso*, which represents an ounce of silver, \$1, is worth at the counter of the merchant or banker in Puerto Rico 45 or 50 cents. That is where we find it.

We propose to change that in Puerto Rico and to give them a substituted currency; and what do we do with those people? We say to them, we will raise the price from 45 or 50 cents on the dollar to 60 cents on the dollar, and we will give you 60 cents on the dollar in American silver coin for your *peso*. That is what we propose to do. We will make that much speculation out of you. This bill also requires that that bullion, when received, shall be coined into coins of the United States, thereby becoming legal-tender coin of value equal to the value of gold. We say, then, to the Puerto Ricans, "We will take your coins at 60 cents, and we will coin them into a dollar, and we will give you 60 cents for this coin in legal-tender money of the United States."

We make 40 per cent off the Puerto Ricans, off this poor, wretched, debt-ridden, miserable, starving country down there, and this bill, with a shameless effrontery, brings that measure before the Senate of the United States and the people of this country, and asks us to adopt it. We can not afford to do it. It is not a benefaction to those people to say to them, "We will take your money at 60 cents," when they can send it to Spain and get a dollar for it. Can they send it to Spain? Yes, sir; they can; but they can starve while it is absent from the island. We are compelling those people to exchange their silver bullion, their *pesos*, which are legal tender now in Puerto Rico, for 60 cents of legal-tender



money of the United States, the Government of the United States covering the balance of it into the Treasury.

Now, I do not think that that is dealing fairly with these people. If we intend to buy their coin and force them, as I think they ought to be forced, to take American coins into that island to supplant and eject Spanish coins, let us pay a hundred cents on the dollar for it, because that is what we make out of it. We get an ounce of silver, nine-tenths fine, in every one of these pesos, and we convert it into a legal-tender dollar, and the man in Puerto Rico who has to give it up under our laws ought to be entitled to his dollar back. Can we take from these people, poor as they are represented to be, this 40 cents in every dollar and put it into the Treasury of the United States, and go home and go to bed and sleep with our own consciences? You can not do it, Mr. President. If we take that money at all, we ought to pay to them what it is worth to them under their legal-tender laws, and we ought to take what that ounce of silver is worth in the United States when it is coined into a standard coin, nine-tenths fine, and made a legal-tender dollar here. There can not be a more cruel injustice practiced upon a people than just that, and it is done in the name and under the guise of magnanimity.

Mr. JONES of Arkansas. I hope the Senator from Ohio will accept the amendment proposed by the Senator from Alabama.

Mr. FORAKER. I can not do so.

Mr. JONES of Arkansas. The silver money that the people in this island have has been coined under the law under which they live, at a ratio, I suppose, of 15½ to 1. I think that is the ratio. Now, we propose to change it to a ratio of 16 to 1, which will be a loss of 3 per cent to them, or more than that; and as they are living under the law, they having accepted their coin under the law, it does seem to me to be grossly unfair for the Government of the United States to compel those people to have that coin changed into another coin at a loss of 40 per cent of its value. We ought to allow those people to bring their silver to this country and have it changed into American coin without loss to them. If they bring a peso here and take it to the mints and have it coined and given back to them, they ought to have it all. There ought to be no charge to them to have the silver coin circulating amongst them converted into the coin of the United States. It is to our interest to have that done. We believe it is to their interest to have it done. It is just and fair, and I hope the committee will agree to the amendment. It is so perfectly just that it seems to me it ought not to be objected to by anybody.

Mr. BACON. Mr. President, I do not wish to detain the Senate, but I think the fact ought to be clearly recognized that these unfortunate people will absolutely lose 40 per cent of the money value of the present coin, and I can not see what public policy requires that we should make them suffer such a sacrifice. If the proposition were one which largely increased the volume of silver money, I might understand that those who are opposed to such increase would think that this sacrifice on the part of the people was required in order to prevent what, in their estimation, would be a great public evil; but the amount is very small. It would be inappreciable, in comparison with the volume of money in this country, if all the silver in Puerto Rico were brought to this country and kept here.

If it is an absolute fact that it will destroy 40 per cent of the money of these poverty-stricken people, these people in such distress that we have absolutely appropriated here more than \$2,000,000 for their relief, I think there must certainly be some reason for it. There must be some ground on which such action is based. Not only so, but it not only destroys 40 per cent of their money, but we take that 40 per cent ourselves and put it into our Treasury. We destroy in their hands 40 per cent of their money; and we not only destroy it in their hands, but we keep it alive in our own hands and put it into our Treasury. If that is not so, I should like for the Senator from Ohio to explain wherein I am incorrect; and if it is so, I am sure the committee must have some good reason for it, and I think it ought to be spread upon the records of the country if there is a reason for it to justify the action, because, unless there is a reason for it, it certainly must meet with condemnation.

Mr. FORAKER. Mr. President, the truth is that, as I understand it, it is not so, to employ the language of the Senator from Georgia.

Mr. BACON. I hope the Senator from Ohio is correct.

Mr. FORAKER. The peso and other Puerto Rican coins that are in circulation in Puerto Rico are not passing as our coins pass there, with the legal-tender quality and the credit of the United States behind them, the equal of gold coins.

Mr. MORGAN. They are legal tender in Puerto Rico for debt.

Mr. FORAKER. Yes; but they are worth about 43 to 45 cents in our money in Puerto Rico.

Mr. MORGAN. In the payment of debts?

Mr. FORAKER. That is to say, 45 to 50 cents of American coin will buy as much as the Puerto Rican peso will buy.

Mr. MORGAN. We understand that, but I am speaking of paying debts. Can you not pay a dollar of debt with a peso?

Mr. LODGE. No.

Mr. FORAKER. No.

Mr. MORGAN. How much can you pay?

Mr. FORAKER. Sixty per cent of what an American dollar will pay, and no more.

Mr. BACON. Because of the order of the President.

Mr. FORAKER. Not because of the order of the President. I will say but for the order of the President you could not pay with a Puerto Rican coin more than 45 per cent of what you could pay with an American dollar. I have before me the report of General Davis and desire to read from it.

Mr. MORGAN. I desire to be informed about this matter.

Mr. FORAKER. I was about to read from this report for that purpose.

Mr. MORGAN. Had not the Puerto Rican debtor, under the laws that stood at the time we acquired the island, the right to pay a dollar of debt with a peso?

Mr. FORAKER. He could pay a peso of debt with a peso, but when we went in with our coins you could pay two pesos of debt with one American dollar.

Mr. MORGAN. I am not speaking of the American dollar; I am speaking of the peso.

Mr. FORAKER. You could do it to-day except only for the President's order, which has given to the peso 60 per cent instead of about 50 per cent of value, which it had before.

Mr. MORGAN. I will not interrupt the Senator further, but I will answer him.

Mr. FORAKER. I read from General Davis's report to the War Department under date of September 30, 1899, at page 31, where he says:

The relative value of the peso to the silver dollar—bullion value—is stated by the Secretary of the Treasury to be as 93.5 to 100. The undersigned is not advised as to the present market value of silver, but this is supposed to be such as to make the bullion value of the United States dollar about 43 cents, which would give the peso a similar value of about 40 cents.

I saw a statement somewhere recently that the present market value of silver was such as to give to the silver in the peso a value of about 45 to 48 cents in our money. Whichever it may be, it is less than 50 cents. It is true that we propose to take their silver in exchange for our dollars at the rate mentioned—60 cents of our money for a peso—and we propose to recoin that in the manner provided in the bill, and it is true that after we recoin it and put our stamp on it, it will have the value that Senators have alluded to.

But we are not taking anything from the Puerto Ricans in giving that value to their recoined pesos. We are simply putting behind that silver the credit of this Government; something we have, but something they have not. We are not depriving them of anything, but in giving them 60 cents for each peso we are giving them at least 10 cents in our money more than the silver in the peso is worth in the market as bullion or in the market as money with which to pay for goods.

So the talk about our working some hardship is to my mind entirely unwarranted by anything that is connected with the facts in the case. I do not know of any Puerto Rican who is making any complaint about it. I have not heard of any exception on the part of anybody. On the contrary, I have heard that everybody in Puerto Rico is well pleased with the idea that we are to allow them 60 cents of our money for what in their money, as compared with ours, is worth less than 50 cents.

Mr. BACON. I should like to ask the Senator from Ohio a question, if he will permit me.

Mr. FORAKER. Certainly.

Mr. BACON. I will not pursue the argument suggested by the Senator, although probably before the discussion is over there will be a reply to what he has said. I wish to ask him a question right in this connection. It is true, I suppose, regardless of what may be the value of the Puerto Rican coin as estimated in our own coin, that when that silver is brought here and coined into American money it will not make 60 per cent of a legal-tender dollar, but it will make a 100 per cent legal-tender dollar.

Mr. FORAKER. That is substantially true.

Mr. BACON. Under this bill a party who brings to the mint here a hundred dollars' worth of silver, estimated at its coining capacity, will get back 60 legal-tender dollars. I wish to know of the Senator what will become of the \$40 under this bill?

Mr. FORAKER. As I said a moment ago, if there be 40 per cent of value added, it is because we have put our credit behind it to that extent.

Mr. BACON. I am not talking about the reason.

Mr. FORAKER. We have given to it something they did not have. Nobody is required to bring his peso in and have it exchanged. This is a privilege which we propose to confer upon them. If they do not see fit to avail themselves of it, they do not need to.



Mr. BACON. I understand that fully.

Mr. FORAKER. We are not compelling anybody to exchange the coins.

Mr. BACON. Is it the purpose of this bill that those who do avail themselves of this provision shall leave in the Treasury of the United States, without other consideration than the fact of coining it by the United States, \$40 out of every hundred dollars coined out of that man's silver?

Mr. FORAKER. If we take the silver bullion, treating it as bullion, and coin it into dollars, of course it has as much money value as the silver. He does not have to have his money changed, but we propose to give him an opportunity to do so. As to the benefit of the transaction, I will speak of that presently.

Mr. BACON. The \$40 is to go into the Treasury of the United States.

Mr. FORAKER. It goes to the United States, of course, because it belongs to the United States. It does not belong to the Puerto Rican. We give him not only full value for all he owns, but we give him more than full value. We do not compel him to sell it. We simply hold out to him the privilege of having his silver money coined into our money, if he wants it, at a fixed price, which we name. That is all. He does not have to have his money changed, but we propose to give him an opportunity to do so. As to the benefit of the transaction, I will speak of that presently.

Mr. McCOMAS. Mr. President, I am surprised that there should be this difference and discussion. The distinguished Senators seem to think, in the discussion with the chairman in charge of the bill, that somebody somewhere is injured and the United States somehow has profited. The suggestion is original and primary here. The commissioner examined, and his report is full, and reported to the President, the Governor-General of Puerto Rico so reported and testified before the two committees of Congress, and every person, native or resident in the island, who testified said not only that this ratio of exchange of coins to put the people upon the permanent and stable currency of our country is just and adequate, but uniformly testified that it is most liberal to the people of Puerto Rico, and the people of Puerto Rico who were interrogated on that subject were quite pleased and uniformly assented to the proposition.

The distinguished Senator from Georgia [Mr. BACON] seems to be troubled about some 40 per cent, as if there were a Puerto Rican dollar, denominated a peso, which, by section 10, is to become depreciated in value 40 per cent. The peso has a distinctive value in co-relation with our own currency. Those who are connected with our customs, those who are concerned in the trade, those who made reports to the Executive, and those who have testified are unanimous in the agreement—there is no exception—that this is a wise, just, and liberal provision. Nobody makes anything by it except the people of Puerto Rico, and I think the testimony will show that according to the exchange of pesos in the last couple of years from Puerto Rico, in foreign trade, in the payment of debts, under this proposition the citizens of Puerto Rico would make a fraction in the advantage of the exchange. There is a proviso here "that all debts owing on the date when this act shall take effect shall be payable in the coins of Puerto Rico now in circulation or in the coins of the United States at the rate of exchange above named." It leaves open, in that relation, to the debtor—

Mr. BACON. Will the Senator from Maryland permit me to ask him a question?

Mr. McCOMAS. Certainly.

Mr. BACON. Of course we all understand that the silver is scattered all through the island, in the pockets of the people. The question I wish to ask the Senator is this: If this bill provided that the party who brought Puerto Rican silver to the United States mint to be coined should receive the full coining value of that silver, would it not raise the value of every silver coin in the pocket of every poor Puerto Rican 40 per cent over what it now is?

Mr. McCOMAS. I think not, Mr. President. The uniform testimony of everybody is that in foreign exchange and domestic contract and payment of obligations the rate of 60 per cent is liberal and overliberal in the adjustment. If the Senator from Georgia is asking me what is the equivalent face value of a peso, according to its legal definition in Spain and in Puerto Rico, the amount may or may not be a little in excess of 60 per cent. But my point is that everybody who deals in Puerto Rico, every government functionary, all the people there think this is a most wise and liberal provision for them. And why should the proposition thus vex the soul of the Senator from Georgia, if everybody concerned says it is liberal to them?

Mr. BACON. The Senator will pardon me. He has not answered my question, and I think there can be but one answer to it. Regardless of what may be the present exchangeable value of Puerto Rican silver, so soon as the bill passes by which all Puerto Rican silver can be coined into American standard legal-tender dollars, of course that bullion is worth a hundred cents on the dollar.

Mr. McCOMAS. Of course. Why?

Mr. BACON. Pardon me. And necessarily it must be true, as suggested by me in the question I asked of the Senator, that when a law is thus passed it will increase the value of the silver coin in the pocket of every poverty-stricken Puerto Rican up to the value of 100 cents on the dollar, whereas under this bill it would be only 60 cents on the dollar. So that those people, whom we are so anxious to befriend and to be benevolent to, stand in this position, that by the passage of a law we can make their money worth in their pockets to-day 60 cents on the dollar or we can make it worth 100 cents on the dollar; and we assume to determine to make it worth 60 cents instead of 100 cents. That is all there is in it; and all the inducement there can be to us to do otherwise is that we ourselves will put 40 per cent of it into our own pockets.

Mr. McCOMAS. The distinguished Senator from Georgia, I suppose, calls that a question. I think the first member of his argument was a question, but certainly the remainder of it was not. As to the peso at an exchange value of 60 cents being convertible into our dollar, they do receive the full value and the added value, because the President's order has fixed the value in that island above the real value, as was stated by the chairman of the committee, the Senator from Ohio; but my purpose, Mr. President, in seeking the recognition of the Chair was to make a suggestion to the chairman of the committee, the Senator from Ohio, and if he will allow me to turn back to page 4, lines 10 to 12—and I ask the attention of the chairman of the committee, the Senator from Ohio—

Mr. FORAKER. I am looking at it in the bill.

Mr. McCOMAS. In lines 10, 11, and 12, on page 4, I want to suggest to the chairman whether he had not better, between now and to-morrow morning, make a slight change in the language. I would suggest that it should read, "That whenever the legislative assembly of Puerto Rico shall have enacted a local law to provide for the support of the government of Puerto Rico by this act established," etc., the President shall proclaim.

Mr. FORAKER. I trust the Senator will not ask us to go back to that now. I am trying to get the amendments disposed of in their order; but I will take into consideration the point suggested by the Senator, if there is a point in it.

Mr. McCOMAS. I will make my suggestion. I shall not ask to go back now, but I will suggest, under the well-recognized law on that subject, the language as it now is might be construed to leave a discretion to legislate elsewhere, either in the President or in the legislature of Puerto Rico. In the case of *Field vs. Clark*, in 143 United States Reports, it was there held, in respect of the President's proclamation as to reciprocity by a majority of the court, the Chief Justice and one other dissenting, that because in that act the President was simply to proclaim a fact when he ascertained it, and then to proclaim the cessation of certain duties, there was no discretion or legislative power. In looking at this language it seems to provide that the President may make a proclamation when "the legislative assembly of Puerto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Puerto Rico by this act established." It is a discretion—

Mr. SPOONER. That is not all.

Mr. McCOMAS. "And shall by resolution duly passed," etc. But it seems to me, to avoid any trouble, it will suffice if the legislature of Puerto Rico shall enact a local law to provide for the support of that government. That is an act which can be made known to the President, whether it does meet the necessities, or whether, indeed, it is intended to meet the necessities. It seems simpler, to guard against the danger of saying that either the legislature of Puerto Rico or the President may legislate, to use the simple phrase "That whenever the legislative assembly of Puerto Rico shall have enacted a local law to provide for the support of the government hereby established," whether it falls short or is in excess of the support and maintenance of that government, and upon the ascertainment by the President that the act has been passed simply for that purpose, and they have resolved that he shall be so informed, he shall then proclaim, and the features of this section shall be noneffective.

I only suggest that point; I will not now make a motion; but it seems to me the language will be beyond cavil if we simply say that when they pass an act, a local law, for the support of the local government intended to be established by this act, and they shall by resolution notify the President that they have passed such an act, that thereupon he shall make proclamation, and under the ruling of the majority of the Supreme Court in *Field vs. Clark* the statute would be safe from the objection either that the President legislates or that the assembly of Puerto Rico legislates.

I suggest to the chairman whether the language I have suggested will not be an improvement in that direction. I merely wish now to bring it to his attention.

Mr. FORAKER. I will say to the Senator that I have given that matter consideration before, but I will again take it up, in



view of what the Senator has stated, to see whether there is any trouble about it. There is not at present.

Mr. MORGAN. I was unable to get the Senator from Ohio to make a statement, which I hoped he would be able to make, as to whether or not the pesos were a legal tender for debts in Puerto Rico at the time we acquired the islands.

Mr. FORAKER. Is the Senator informed about that?

Mr. MORGAN. I am not; but I have always believed that the pesos were legal-tender money.

Mr. FORAKER. I am of the opinion that they were; but they were worth, although a legal tender in the payment of debts, only the ratio indicated.

Mr. MORGAN. Oh, no.

Mr. FORAKER. By the rate of exchange provided.

Mr. MORGAN. Oh, no; no government in the world ever provided that the money that it coined should be a legal tender at the commercial ratio as between that and gold.

Mr. FORAKER. I did not say that. What I said was that that money was never at any time since we have had anything to do with Puerto Rico at any greater value when compared with our money, nor as great as the rate of exchange established by Executive order.

Mr. MORGAN. I understand that perfectly; but the poor Puerto Rican can go and pay his debt of a hundred dollars with a hundred pesos; and he can do that, notwithstanding the commercial value may be only 40 cents on the dollar.

Mr. FORAKER. Or he can do it with \$60 of American money.

Mr. MORGAN. He can not, because the American money is not legal-tender money there, unless it has been made so by some military law.

Mr. FORAKER. It is to be made so by the provisions of this proposed act. This act explicitly provides for that.

Mr. MORGAN. I am speaking of what exists there now, and not what will exist.

Mr. FORAKER. What exists there now, if the Senator will allow me, we are not responsible for.

Mr. MORGAN. We are.

Mr. FORAKER. Well, in a certain sense we are, of course.

Mr. MORGAN. In every sense we are.

Mr. FORAKER. We went there upon our own motion; but I mean we did not put that money there, or give it the value that it has.

Mr. MORGAN. I do not propose to detain the Senate more than three or four minutes; but I want to put in the RECORD this evening, so that Senators can see it, the statement in the report made by General Davis. He says:

It is impossible to ascertain more than approximately what is now the volume of the circulating medium. Some light is thrown upon this by Mr. Carlos Soler, the subdirector of the Banco Español de Puerto Rico, whose letter dated August 10, 1898, will be found in the appendix. He estimates the amount of provincial silver placed in circulation at 6,576,000 pesos, and the copper at 70,000 pesos, giving a total of 6,646,000 pesos. Disregarding the gold noted in Mr. Coll y Toste's statement, it would appear that Mr. Soler's total exceeds the other by about 149,000 pesos.

Respecting the volume of this Puerto Rican coinage remaining in circulation at this time, no better information is at hand than that contained in Mr. Soler's letter, cited above. It will be seen that he places the silver at 5,875,000 pesos, and the copper at 45,000 pesos, giving a total of 5,920,000 pesos. He also states that the estimated sum of 600,000 pesos has been sent or taken out of the country by the returning Spanish troops and private individuals; but as this silver peso is worth in Puerto Rico about 20 cents more than anywhere else, it is safe to assume that it will all drift back here in time, and therefore it should be taken into account in any study of the currency of this island.

As respects the volume of American money now circulating, it is impossible to furnish a satisfactory estimate.

I just want to add one statement which I believe to be a fact. The larger part of the money in Puerto Rico must be in the hands of the laboring population. The men who came here to testify before this committee were doubtless men who had influential relations in Puerto Rico and probably were moneyed men there. Let us get hold of these poor working people down there and find out what will be the effect upon them.

Pass this bill, and they will sell their dollars that they work for at 40 cents on the dollar to the men who came here to have these laws passed and men like them. Then those men will sell them to the United States for 60 cents on the dollar, making 20 cents on the dollar. The United States will then coin them into silver legal-tender dollars and pay for them in those very dollars, or in dollars like them, making a profit of 40 cents. So that the profit of 60 cents on the dollar that will be earned amongst them will come out of the laborer. It goes first into the pockets of the usurers, who have mortgages upon property at 24 per cent per annum, and 40 per cent of it goes into the hands of the United States Government. I am willing to let the argument rest there.

Mr. FORAKER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 30, 1900, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

THURSDAY, March 29, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROSIUS, for one week, on account of important business.

### HOUSE BILLS WITH SENATE AMENDMENTS.

The SPEAKER laid before the House the following House bills with Senate amendments.

The amendments of the Senate were severally read.

On motion of Mr. SULLOWAY, the amendments were concurred in.

A bill (H. R. 1763) granting a pension to Ella F. Sydnor;

A bill (H. R. 3012) granting a pension to Sarah Claggett;

A bill (H. R. 6700) granting an increase of pension to Maria Andrews;

A bill (H. R. 3538) granting an increase of pension to Charles Ross;

A bill (H. R. 470) granting a pension to Jane Dykes;

A bill (H. R. 6701) granting a pension to Serelda C. McGrew; and

A bill (H. R. 2597) granting an increase of pension to Charles Kauffung.

### JOSEPH BACIGALUPPI.

The SPEAKER also laid before the House the bill (H. R. 5139) for the relief of Joseph Bacigaluppi, with Senate amendments; which were read.

Mr. JENKINS. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

### MINNESOTA AND MANITOBA RAILROAD COMPANY.

Mr. EDDY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 8876) granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation, in Minnesota.

The bill was read at length.

The amendments recommended by the Committee on Indian Affairs were read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDOX. Mr. Speaker, I would like to ask the gentleman a question or two before consent is given.

Mr. EDDY. I did not hear the gentleman.

Mr. MADDOX. Is this bill reported by the Committee on Indian Affairs?

Mr. EDDY. Yes, sir.

Mr. MADDOX. Unanimously?

Mr. EDDY. I will say to the gentleman from Georgia that the ceded portion of the Red Lake Indian Reservation—

The SPEAKER. The gentleman will suspend until order is obtained.

Mr. MADDOX. I want to inquire of the gentleman from Minnesota if the bill was reported unanimously from the committee?

Mr. EDDY. Yes.

Mr. MADDOX. The Committee on Indian Affairs?

Mr. EDDY. The Committee on Indian Affairs.

Mr. MADDOX. It is a long bill—

Mr. EDDY. If the gentleman from Georgia will permit, I will say the ceded portion of the Red Lake Indian Reservation occupies a peculiar legal status. As the gentleman is aware, there is a general law providing for a right of way across the public domain of the United States; there is also a general law providing for a right of way across Indian reservations, which passed in 1899. When this Minnesota and Manitoba Railroad reached the western boundary of the ceded portion, they applied to the Secretary of the Interior, under the law of 1875, for a right of way across this ceded portion, supposing it was public domain. They decided that it was not under their jurisdiction; that it was not public land; consequently they turned the matter over to the Indian Office, and they decided that it did not come under the law of 1899, because it was not an Indian reservation; and so the Department advised that a special bill be drawn to cover this particular case. The bill was drawn by the Department, amended by the Department, and unanimously reported by the Committee on Indian Affairs.

Mr. RICHARDSON. I would like to ask the gentleman respecting the amendments. I could not catch them exactly as they were read. I had not a copy of the bill before me. What is the effect of those amendments? Are they committee amendments?

Mr. EDDY. They are committee amendments, proposed by the Indian Office.



Mr. CURTIS. They are Department amendments.

Mr. EDDY. They are Department amendments.

Mr. RICHARDSON. But amendments recommended also by the committee?

Mr. EDDY. Yes, sir.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. EDDY, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### NORTHERN DISTRICT OF NEW YORK.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read the bill at length.

Mr. BARTLETT. Mr. Speaker, I have been listening to the reading of this bill, and it shows the importance of listening to it, and I call for the regular order.

Mr. PAYNE. I hope the gentleman will not object.

The SPEAKER. Objection is made, and the regular order is demanded.

#### ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERMAN in the chair, for the further consideration of the Army appropriation bill.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of an appropriation bill the title to which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8582) making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901.

Mr. McRAE. Mr. Chairman, I want to ask unanimous consent to go back to a paragraph passed on yesterday, and I would like to make a statement as to why I do it.

The CHAIRMAN. What was the statement of the gentleman from Arkansas?

Mr. McRAE. I ask unanimous consent to return to a paragraph that was amended yesterday, preparatory to submitting a request.

The CHAIRMAN. Will the gentleman state what the paragraph is?

Mr. McRAE. It is a paragraph giving the 20 per cent to enlisted men and 10 per cent to officers.

The CHAIRMAN. On what page?

Mr. McRAE. On page 14, beginning with line 12. I want to make a statement first.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to return to line 12, page 14.

Mr. HULL. I object, Mr. Chairman. I want to get through with this bill first. I do not object to the gentleman making a statement.

Mr. McRAE. If I can not convince the gentleman from Iowa—

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that he may make a statement.

Mr. McRAE. If the gentleman from Iowa will give me his attention—

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to return to page 14, line 12, for the purpose of making a statement in reference thereto.

Mr. McRAE. Preparatory to submitting a request.

The CHAIRMAN. Preparatory to submitting a further request. Is there objection? [After a pause.] The Chair hears none.

Mr. McRAE. I think if the gentleman from Iowa will give me his attention I can show him that we did on yesterday what we did not desire to, and what I would not have consented to if I had known the full purport of the amendment of the gentleman from Virginia. The paragraph as amended would read as follows:

For additional 20 per cent of pay of enlisted men \$4,524,000: *Provided*, That hereafter the pay of all officers and enlisted men serving in Puerto Rico, Cuba, the Philippine Islands, and Hawaii shall be increased 10 per cent for officers and 30 per cent for enlisted men.

Now, before this paragraph was finally amended, the gentleman from Iowa stated that this increased compensation only applied to times of war. I knew that to be the law. Now, we have made it, with the amendment offered by the gentleman from Virginia, to apply to Puerto Rico, Cuba, and to Alaska, when in fact it ought only to apply to the Philippines, where there is an insurrection, or war, as you may be pleased to call it.

It seems to me that we can not justify giving an increased compensation to people in Puerto Rico when we do not give it to soldiers at Tampa or in any other part of the United States where the duties are just as arduous, and I hope the gentleman will consent to return to that paragraph for the purpose of giving just exactly what he said was intended, and he said it before the amendment was finally adopted. This extra compensation was originally intended to apply to those engaged in warfare. That is as far as we should go.

Mr. HULL. I am not willing, Mr. Chairman, to go back now. But in my opening speech last Monday, I called specific attention to this provision, and explained it at some length. I want to say that the gentleman from Virginia offered his amendment after consultation with—I do not know how many members of the committee, and I had no objection to it; but the question of Puerto Rico and Cuba and the Philippines for the next year presents this additional complication as to the officers and men serving there: The officers have no quarters and no commutation of quarters in many of the cities.

It costs them more than 10 per cent in their forfeiture of commutation of quarters, which it has been held they are not entitled to. The expenses of supporting their families at home continue while they are supporting themselves abroad. I know of some officers, having no means for their support except their salaries, who have made special requests to be ordered home for the reason that they are constantly getting behind in their expenses, being obliged to support their families at home and at the same time meet their expenses abroad, their salaries being insufficient to cover both. I think the provision is a very mild one. As to whether it should extend to all these islands, the gentleman from Virginia has made an investigation. For the purpose of expediting the bill I object, at least now, to going back.

Mr. McRAE. I made two efforts to get the paragraph as amended read on yesterday, but could not. I supposed after the statement of the gentleman that the provision applied only to places where actual war or insurrection existed. If it is the gentleman's idea that in time of peace we should give 20 per cent additional to the enlisted men and 10 per cent to officers, then the bill as amended will accomplish that.

Mr. HULL. My opinion is that until there is a radical change of conditions in those islands the extra pay ought to be allowed; and even then it does not equalize the pay with what they received before the war.

Mr. McRAE. But there is no such condition, as I understand, applying to Alaska or Hawaii.

Mr. HULL. The committee for the last three years have been trying to get in an amendment giving extra pay to the men in the military service in Alaska; for we all know that living is more costly there than anywhere else.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CANNON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendment bill of the following title in which the concurrence of the House of Representatives was requested:

H. R. 4001. An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona.

The message also announced that the Senate had passed joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 103. Joint resolution providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature; and

S. R. 86. Joint resolution for the printing of English interpretation of foreign terms as to weights, measures, and so forth, occurring in Government publications.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 39:

*Resolved by the Senate (the House of Representatives concurring).* That upon receipt of information by them that any officer, soldier, marine, or seaman in the Army or Navy of the United States has been wounded, the Secretary of War or the Secretary of the Navy, as the case may be, shall, from time to time, at the expense of the United States, keep the family of such officer, soldier, marine, or seaman seasonably advised of his condition.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901.



## ARMY APPROPRIATION BILL.

The committee resumed its sitting.

The Clerk, resuming the reading of the bill, read as follows:

Incidental expenses: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners; for expenses of express to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and to enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Army, who have died, or may hereafter die, while in the employment of the War Department in Cuba, Puerto Rico, and the Philippines; and that in all cases where they would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed what is now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men of what is now allowed in their cases may be paid out of the proper funds appropriated by this act, and that the disbursing officers shall be credited with such reimbursement heretofore made; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters and the expenses incident to their pursuit, and no greater sum than \$50 for each deserter shall, in the discretion of the Secretary of War, be paid to any officer or citizen for such services and expenses; for a donation of \$5 to each dishonorably discharged prisoner upon his release from confinement under court-martial sentence involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmiths' tools and materials, horseshoes and blacksmiths' tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other department, \$2,400,000: *Provided*, That such sum as may be necessary to return bodies of civilian employees of the Army as provided in this act shall be immediately available.

Mr. HULL. The committee instructed me to move to strike out, on page 19, all after the word "soldier," in line 3, down to and including the last part of the word "Philippines" in line 8; and it is intended to offer at the close of the section a further amendment, which has been submitted by the Quartermaster-General as covering what the committee desire to do more fully than the amendment which we originally incorporated in the bill. If the amendment I first stated shall prevail, I shall move to insert at the close of the section, striking out the proviso which now closes it, the following:

To enable the Secretary of War in his discretion to cause to be transported to their homes the remains of civilian employees of the Army who have died or may hereafter die while in the employ of the War Department in Cuba, Puerto Rico, Hawaii, and the Philippines, including the remains of any honorably discharged soldiers who are entitled under the terms of their discharge to return transportation on Government transports and who die while on said transports, the sum of \$100,000, which is hereby made available for the above purposes as long as it may be required.

Mr. McRAE. I will ask the gentleman whether that is not done now?

Mr. HULL. No; it is not. So far as discharged soldiers are concerned, they are now being sent back; but if they die on transports, there is no provision for continuing their transportation after they have died, and they are buried at sea. This proposed amendment removes that objection and is better than the provision originally inserted by the committee, because it provides for returning the bodies of all who die on transports on their way home.

Mr. McRAE. Then, as I understand, lawful provision is already made for returning the bodies of those who die in service, but not of those who die on transports, and this is intended to reach the latter cases.

Mr. HULL. This provides for sending home the bodies of those who die on transports.

By the construction of the present law it has been held that when a man dies on a transport there is no authority for bringing his remains home. In this proposed amendment we provide for the return of all our soldiers who die on transports. They are now bringing back the remains of those who die on the islands.

Mr. McRAE. Have they not been doing that?

Mr. HULL. They have; and this gives additional authority. There is now no authority to return the bodies of civilian employees of the Government who die there. The gentleman from Illinois [Mr. JETT] brought this matter to the attention of the committee, and they agreed that the provision was very proper.

Mr. McRAE. I make no objection to the provision. I think the bodies should be returned to their families at the expense of the Government. I simply wanted to know whether what it proposes is not done now; and if so, why this authority.

Mr. HULL. This is in addition to what is done now.

Mr. BOREING. Mr. Chairman, I desire to call the attention of the committee to a case of this kind which recently occurred in

my district. A soldier was discharged while in Cuba. His discharge came to him while he was in the hospital, not able to travel, and he died there. We applied for transportation and it was denied on the ground that he was a civilian, having been discharged from the Army, and that there was no provision by which his remains could be transported to this country. Will the amendment provide for cases of that kind?

Mr. JETT. I will say to the gentleman that it would.

Mr. BOREING. Then by all means the amendment should pass.

Mr. FITZGERALD of Massachusetts. I should like to ask the chairman of the Committee on Military Affairs if there is not a regulation of the War Department at the present time which allows the family or legal representatives of a deceased enlisted man \$35 for burial expenses and the family or legal representatives of an officer \$100?

I should also like to ask if the Comptroller of the Treasury has not ruled that where bodies have been taken and thrown into a trench upon a battlefield in Cuba or the Philippines, in some cases seven or eight bodies being thrown into the same grave, that this was a burial by the United States Government, and that therefore the families of the deceased soldier, or the family of the deceased officer, have been denied this money?

Mr. HULL. Mr. Chairman, I do not know what the Comptroller of the Treasury has done in regard to the matter. We have had nothing before the committee on that subject at all.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I desire to say to the chairman of the Committee on Military Affairs, who I think is very anxious to do everything that is proper and right for the family of the private soldier and the officer, that that is a fact. It was reported in all the papers of the country, and a transcript of the Comptroller's decision was given.

This being the case, it seems to me that the matter ought to be remedied, because there have been numberless cases occurring every day where claims for this money are thrown out.

The bodies have been sent to the families of the deceased soldiers, and when they arrived at the homes of the soldiers, and after burial, their families were deprived of the \$35 which was supposed to be available from the Government for the burial.

If there is no objection on the part of the chairman of the committee, I will ask that this amendment be incorporated in the bill: "That in the case of any officer \$100 is hereby appropriated to the family or legal representative, and in the case of an enlisted man, \$35 is hereby appropriated, irrespective of any moneys expended by the Government."

Mr. HULL. I object to that.

Mr. FITZGERALD of Massachusetts. If that is the law, it seems to me that we ought to place it beyond the power of the Comptroller of the Treasury, by any decision such as I have indicated here, to prevent the proper persons from receiving the money to be applied to burial expenses. The Comptroller of the Treasury holds that when a body is thrown into a trench five minutes after the man is killed, that is a burial.

Mr. DENNY. Why does the gentleman from Massachusetts in his proposed amendment make this discrimination between the officer and the enlisted man?

Mr. FITZGERALD of Massachusetts. Because the existing regulation of the War Department makes this distinction now, and I am compelled to follow out this language.

Mr. HULL. I shall have to raise the point of order to the gentleman's proposed amendment.

Mr. FITZGERALD of Massachusetts. If there is a law or regulation in existence, let us see that it is enforced, and not let it be subject to the whim of the Comptroller.

I desire to say upon the floor at the present time that there are thousands of cases held up by the Comptroller of the Treasury of claims resulting from the Spanish-American war where soldiers have been deprived of their rights and their just dues; and it seems to me that if we are going to have a law, we ought to insist upon its being enforced.

Mr. HULL. Mr. Chairman, I must raise the point of order on the amendment of the gentleman; and I want to say that my reason for doing that is that almost daily the Government is now bringing the remains of soldiers back to their homes. When they deliver them to the family at the place where they live, the remains are turned over to the family to be buried in their private burying ground; and there is no reason that I can see why, after the Government goes to the expense of returning the remains and putting them in the hands of relatives and friends, that the Government should then make an indiscriminate allowance of a hundred dollars for each officer and \$35 for each enlisted man. In my country, at least, if it should ever occur in the future that a soldier's family was unable to bury him, the patriotic people of that locality will see that he has a soldier's burial.

Mr. Chairman, this opens up an entirely new line, one that is entirely new to the committee. The amendment proposed here simply enlarges the scope of what is now being done. Within the



last thirty days one of the soldiers killed at Manila was brought to my home in Des Moines and buried there, and other soldiers' remains are being brought home in the same way; so that the gentleman's object can be only this, that after the Government has disinterred the remains, after it has furnished a hermetically-sealed casket, to return the remains to this country—a thing that it does in every case—after it has transported the remains to the place of enlistment, or where the family of the soldier reside; after it has turned the remains over to the family and friends, that then the Government, regardless of the circumstances, whether the people are poor or rich, shall give to the heirs or family of every enlisted man \$35 and to the heirs or family of every officer \$100, I am not in favor of that, and I insist on the point of order.

Mr. MANN and Mr. FITZGERALD of Massachusetts addressed the Chair.

The CHAIRMAN. The Chair will first recognize the gentleman from Massachusetts, and after that the gentleman from Illinois.

Mr. FITZGERALD of Massachusetts. I should like to state, in answer to the gentleman from Iowa, that the families of dead soldiers should not be compelled to look for charity in this matter of burial.

Yesterday we listened to a grand appeal from the gentleman from Illinois [Mr. CANNON] in regard to the liberality of the United States Government in providing such excellent quarters for the officers on the transports. The gentleman from New York [Mr. DRIGGS] instanced the fact that \$8,000 has been paid for a silver service, so that the officers could be provided with extravagant furnishings on these transports.

Now, Mr. Chairman, I call the attention of the House to the fact that there is at the present time a regulation in existence in the War Department by which some of the families of deceased soldiers get \$35 and some of the families of officers get \$100, but the Comptroller of the Treasury has ruled that in the cases of men killed in battle, who have been buried in a trench, the families of those men can not get the money, and it is to remove that inconsistency that I wish the amendment, which I have presented at the Clerk's desk, incorporated into law.

Mr. WILLIAMS of Mississippi. Do I understand that the gentleman from Massachusetts wants an amendment that contemplates that \$35 shall be paid to the heirs or representatives of a dead soldier after he has been brought home and buried by the Government?

Mr. FITZGERALD of Massachusetts. No; they are not buried by the Government.

Mr. WILLIAMS of Mississippi. Are they not brought home at the expense of the Government?

Mr. FITZGERALD of Massachusetts. Certainly. You would not expect the family to pay the cost of transportation.

Mr. WILLIAMS of Mississippi. And is not the casket furnished by the Government, and are not all the funeral expenses paid?

Mr. FITZGERALD of Massachusetts. The casket is furnished by the Government and the transportation is furnished.

Mr. WILLIAMS of Mississippi. Do you think they ought to be paid \$35 in addition to that?

Mr. FITZGERALD of Massachusetts. I certainly do.

Mr. WILLIAMS of Mississippi. Do you think they ought to be paid \$35 for funeral expenses when the Government has borne all the expenses of the funeral?

Mr. DENNY. The Government simply pays the transportation.

Mr. WILLIAMS of Mississippi. The Government pays everything.

Mr. BERRY. I think the gentleman will find that they do not pay the expenses of carriages and such things as that.

Mr. FITZGERALD of Massachusetts. They do not pay any expense except that of bringing the bodies home. I do not know what the custom is in Mississippi, but I know the average funeral in the Northern States costs all the way from \$50 to \$100 for carriages and necessary expenses other than the casket, and I say that in view of the fact that this Government has spent over \$200,000,000 in the conduct of the war, and in view of the fact that the soldiers are expected to go away thousands of miles to fight for this Government under the American flag, at \$15 a month, the least consideration that this Government can show to the families of these soldiers, who are generally poor people, is to see that this \$35 is paid.

I submit to the members of this House the first part of the decision of Comptroller Tracewell, November 18, 1899. This decision was given in answer to the claim of a widow who had incurred quite a large expense in the burial of her son:

The soldier was killed in battle at El Caney, July 1, 1898, and was buried there, presumably at the expense of the Government.

Just think of the throwing of the remains of soldiers killed in battle into a grave—and in some graves it appears that four or five soldiers have been buried—being considered a burial expense at the hands of the United States Government. I think this decision an outrage, and Congress should remedy the matter by passing a law which will not be set aside by the Comptroller.

I understand that hundreds of claims of enlisted men in the Spanish-American war are held up in the office of the Auditor for the War Department. I do not think this is a proper mode of procedure, and I am of the opinion that these claims should be passed upon as soon as the proper evidence is available.

Conditions that prevail now are nothing like those prevailing during the civil war, when it was impossible at all times to get the proper facts. Every means is at hand to obtain the truth regarding these claims, and the soldiers themselves and their families should not be denied what is just and proper through any parsimony or lack of decision on the part of the proper Government officer.

Mr. MANN. Mr. Chairman, the case presented by the gentleman from Massachusetts seems a hard one, yet I question whether it is much worse than the provision of allowing \$35 by the Government. I know of many cases where members of the First Illinois Infantry died either in Cuba or at Montauk and their families have been unable to obtain the payment of a cent for burial expenses. I know the case of a widow who spent almost the last dollar that she had in taking home the remains of her dead son who died at Montauk Point, and whose bill and claim for \$35 is yet pending in the Auditor's Office. I think the boy died in September, 1898, and it has been almost impossible, it seems, to obtain any information from the Government in reference to the claim. I myself have had correspondence with the Auditor for the War Department, and I say anyone who obtains a claim of that sort and has it allowed has more than earned the \$35. It takes more than \$35 to prepare the papers necessary to present to the War Department; and I question very much whether the gentleman would gain anything if his amendment were adopted, because I believe the claimants would much more than earn the money before they got it.

Mr. JETT. Mr. Chairman, I simply desire to say a word about this matter. It was before the Committee on Military Affairs, and I quite agree with what has been said by the chairman of that committee, and I think the amendment proposed by the chairman of the Committee on Military Affairs is a good and liberal provision. I do not believe that anyone, any of the relatives or representatives of the soldiers, officers, or employees of the Government, are going to ask more at the hands of the Government than is provided for by this amendment which is offered now by the chairman. I know what my friend from Massachusetts [Mr. FITZGERALD] has said; but when the Government goes and pays the expense of furnishing the coffin and defraying all the expenses necessarily required to convey the remains to the former place of abode of the soldier or civilian employee, they are satisfied, and they ought to be satisfied, and they ought not to ask more of the Government than they are offering to do and as provided for by this amendment. I hope this amendment will be adopted.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I call the attention of the House to the fact that this same provision is, I understand, made for the transportation of those civilians who died in the acquired territories as made in this bill for the transportation of the bodies of the soldiers. Is not that the fact?

Mr. JETT. How is that?

Mr. FITZGERALD of Massachusetts. I understand that the same provision is made for the transportation of the bodies of civilian employees to their homes as is made for the soldiers.

Mr. JETT. Yes, sir.

Mr. FITZGERALD of Massachusetts. I call the attention of the House to that glaring inconsistency. The civilian employees who go down to those islands get from \$1,000 to \$2,000 salaries, while the soldiers who go there are paid from \$180 to \$200 a year, yet the civilian employees are given the same privileges, or it is given to their folks, the Government paying the whole expense; now, should not the soldier, who only gets \$180 to \$200 a year, or his family, be allowed this extra \$35 for burial expenses in view of the discrepancy in their pay and that of civilian employees?

Mr. JETT. I want to say this to my friend from Massachusetts, that during the recent war it was just as necessary to the interests of the Government to have civilian employees as to have the soldiers to fight the battles. For instance, take those who are engaged in that department known as the Signal Corps. They were placed in just as hazardous positions, many times, as the soldiers themselves when they were sent out to put up poles and string lines of wire before communication could be had. I think it is only just and proper.

Now, there is only this difference between the civilian and the soldier, whilst the soldier, of course, was in duty bound to respond to the direction of his superior officer, so was the civilian employee in duty bound to obey orders or else prove himself an infamous coward.

And whenever the directions have been given to them they have gone in every instance, and they ought to receive the same consideration at the hands of Congress as do the soldiers.

Mr. FITZGERALD of Massachusetts. I would like to remind the gentleman from Illinois that the Signal Corps were a part of the Army.



Mr. JETT. But many civilian employees were not a part of the Army.

Mr. FITZGERALD of Massachusetts. But it is a fact that the civilian employees, many of them, get from one to two thousand dollars a year, while the soldier only gets \$180 a year.

Mr. HULL. Mr. Chairman, I insist on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, I offer the following amendment, to strike out the proviso and insert the following, which I send to the Clerk's desk.

The Clerk read as follows:

On page 20, line 16, after the word "dollars," strike out the proviso and insert "to enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Army who have died or may hereafter die while in the employ of the War Department in Cuba, Puerto Rico, Hawaii, the Philippines, including the remains of any honorably discharged soldiers who are entitled under the terms of their discharge to return transportation on Government transport, and who die while on said transport, the sum of \$100,000, which is hereby made immediately available for the above purpose as long as may be required."

Mr. FITZGERALD of Massachusetts. Mr. Chairman, is that amendment susceptible of another amendment?

The CHAIRMAN. It is.

Mr. FITZGERALD of Massachusetts. I move to amend by adding a provision that the family of deceased officers shall receive \$100 and the family of deceased soldiers be allowed \$35, to be paid out of any moneys in the Treasury not otherwise appropriated, irrespective of any expense incurred by the Government. I make the distinction in amount because this is the established rate paid under regulation of the War Department.

Mr. HULL. To that I raise a point of order.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts to the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Add to the amendment:

"That in the case of deceased officers \$100 is hereby appropriated for the family or legal representative, and in the case of enlisted men \$35, irrespective of any money expended by the Government."

Mr. HULL. I do not think, Mr. Chairman, that amendment states what it is for. I do not understand that this is a limitation on that. I do not understand that it is for the return of the bodies to their homes.

The CHAIRMAN. If there is no objection the amendment offered by the gentleman from Iowa [Mr. HULL] and the amendment offered to that by the gentleman from Massachusetts [Mr. FITZGERALD] will again be read.

There was no objection.

Mr. RYAN of Pennsylvania rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. RYAN of Pennsylvania. I rise to propose an amendment to the amendment offered by the gentleman from Iowa.

The CHAIRMAN. There is already one amendment to the amendment pending.

The Clerk again read the amendment and the amendment to the amendment.

The CHAIRMAN. Does the gentleman from Iowa raise the point of order that the amendment to the amendment is not germane?

Mr. HULL. I do; it is an entirely different proposition.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts.

Mr. FITZGERALD of Massachusetts. The original amendment offered by the gentleman from Iowa provides a method of payment by the Government for the removal of bodies from the scenes of action to the United States, and my amendment provides, in connection with the removal of these bodies, that an additional amount shall be paid to the families of the deceased soldiers and officers, \$100 in case of officers and \$35 in case of enlisted men. I can see no reason for the objection; this is in line with the amendment offered by the gentleman from Iowa, on the same subject, and makes an additional expenditure of money. If the amendment offered by the gentleman from Iowa is in order, I do not see that there can be any objection made to my amendment.

The CHAIRMAN. It is clear to the Chair that the amendment is not germane and is subject to a point of order.

Mr. RYAN of Pennsylvania. Now, Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting the following: "After the word —, in line —, page —,"

The CHAIRMAN. The amendment is not in proper form; it does not indicate where it is offered.

Mr. RYAN of Pennsylvania. It is to be a new paragraph and to follow the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amend by adding a new paragraph, as follows:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, a sum not to exceed \$50 for funeral expenses of each soldier serving in the Spanish-American war or since, who died or shall die while absent on sick leave."

Mr. HULL. Mr. Chairman, I raise a point of order on that.

Mr. McRAE. I ask the gentleman to reserve his point of order until the gentleman from Pennsylvania can be heard.

Mr. HULL. I will allow the gentleman to make a statement.

Mr. RYAN of Pennsylvania. Mr. Chairman, I hope the gentleman from Iowa will not insist on his point of order. The amendment I have offered, to my mind, will supply a want and relieve many poor parents throughout the United States who have found it difficult to keep the expenses attending cases where soldiers of the United States Army have contracted disease, and have obtained sick leave, gone to their homes, and there died.

I have in my mind at the present time the cases of several soldiers, some of whom contracted disease at Chickamauga and others in Cuba. They were sent to hospitals, and when they had sufficiently recuperated were ordered by the officers in charge to a northern climate, where it was expected they would recover their health much more rapidly. Two soldiers from my district in Pennsylvania who served in the Spanish-American war and who contracted disease while in Cuba were sent to the hospital, and from there back to their homes in Pennsylvania, where they received medical treatment, but in consequence of a relapse died.

Now, the law at the present time makes no provision for paying the expenses of the burial of such soldiers who thus die at their homes while absent on sick leave. I hope, therefore, the amendment will prevail. I sincerely trust that the gentleman from Iowa will withdraw the point of order. Of course, a soldier dying in hospital or in actual service in the Army would be buried at the expense of the Government; but when he dies while absent on sick leave he must be buried at the expense of his relatives or friends. There is no provision that the Government of the United States shall pay such expense.

Mr. HULL. I insist on my point of order.

Mr. MADDOX addressed the Chair.

The CHAIRMAN. Does the gentleman from Georgia [Mr. MADDOX] desire to discuss the point of order?

Mr. MADDOX. I should like to ask the gentleman from Iowa a question before the point is decided.

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. HULL. Of course I yield for a question.

Mr. MADDOX. Is there now any provision of law providing for the burial of soldiers who die while on furlough?

Mr. HULL. The bodies, as I understand, are now brought home and then turned over to the families of the deceased or to their friends. This provision is for a little extension beyond what has been provided for heretofore.

My reason for raising and insisting on the point of order is that this matter has never been brought before the committee; we do not know what it will cost; we do not know whether it would be a proper thing to do or not. The gentleman from Arkansas and the gentleman from Massachusetts said yesterday that these questions ought to be considered by somebody before they are brought in here.

Mr. MADDOX. The gentleman did not get my point. I wish to know whether there is any law now authorizing payment by the Government for the interment of a soldier who dies while on furlough.

Mr. HULL. There is provision for the burial of any man who dies in the service. I do not know whether that refers to those who die on furlough; I think not. There is a provision of law—I read it from the present bill, for it has been on the statute books for years—to this effect:

Expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers.

Mr. MADDOX. Will the gentleman allow me to call attention to one case within my knowledge? A soldier, having contracted disease at Chickamauga, was granted sick leave and died after leaving the hospital, but before reaching home, perhaps within one day of his destination.

Mr. HULL. I should think that under the existing law the family would have a claim against the Government for his funeral expenses.

Mr. MADDOX. The War Department refuses to pay such claims.

Mr. HULL. I understand not.

Mr. MADDOX. It does; because I have brought that very case to the attention of the Department.

Mr. HULL. Then probably I am mistaken.

But my point is this: This amendment proposes to extend these expenditures into a line that has never been considered by the Military Committee and never brought to the attention of the House by any authorized officer of the Government; and while



the proposition may be the best on earth, yet we ought to have more consideration and we ought to have more information about it than we possibly can have at this time.

Mr. MADDOX. I do not know about that. I was trying to get information on this by bringing the matter to the attention of my friend from Iowa.

Mr. RYAN of Pennsylvania. Mr. Chairman, I desire to bring to the attention of the gentleman from Iowa and the House a case occurring in my own district, in which a soldier died while at home on sick leave. His parents were so poor that neighbors and friends were obliged to come to their relief in meeting the expenses of the burial. I wrote to the Secretary of War acquainting him with the facts, and he replied, stating that he sympathized very much with the parties in question, but that there was no law authorizing the Department to pay the expenses of burying a soldier who died while at home on sick leave.

Mr. HULL. Here is all the information I can give. It is contained in a provision which has been the law for years and is now embraced in this bill:

Expenses of the interment of officers killed in action or who die when on duty in the field or at military posts or on the frontiers or when traveling under orders, and of noncommissioned officers and soldiers.

Now, those cases are covered absolutely by existing law. To extend it without any consideration except what springs up on the floor of the House is something to which I am opposed.

Mr. WILLIAMS of Mississippi. Mr. Chairman—

Mr. McRAE. I want to be heard briefly on the point of order.

The CHAIRMAN. The gentleman from Mississippi asked recognition first.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, prior to this time I have not been acquainted with the exact wording of this law as read a moment ago by the gentleman from Iowa [Mr. HULL]. After having heard him read the law I am of the opinion that this amendment is not a change of existing law, but would be merely a declaration of what the existing law is, although it would cause a change in the administration of the law and the construction of it by the Department. The law as read by the gentleman says that these people shall be buried at the expense of the Government when they are under orders.

Now, a man at home upon sick furlough, or on his way home or on his way back from home, is, in a military sense, under orders. That is to say, he is under the control and orders of his military superior, and is going to a place by a military order. It seems to me, therefore, that the construction placed by the Department upon the existing law has been wrong and that for the House now to pass an amendment would be a mere declaration of what the existing law is, to prevent misconception.

Now, this sort of a case happened in my own district: A soldier was sent home upon sick furlough, and, having gotten there, while being treated by a physician, died. His captain furnished the money to the physician to treat him and paid his funeral expenses out of his own pocket, furnishing him with the money before he left to do those things. That captain, a young friend of his, has never been reimbursed for that expenditure. I had myself proposed to offer an amendment covering not only the question of burial expenses for soldiers upon sick leave and furlough, but medical expenses as well to a limited amount, but was of the opinion that it would be a change of existing law. It seems to me now, however, that it would be merely a declaration of the right construction of existing law, because undoubtedly a soldier upon sick furlough is a soldier under military orders, and that is the language of the existing law.

Mr. McRAE. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Arkansas desire to discuss the point of order?

Mr. McRAE. I do not, if the Chair is satisfied; but if the Chair is not satisfied that the amendment is in order, I should like to be heard.

The CHAIRMAN. The Chair is perfectly clear on the question. The statement of the gentleman from Mississippi [Mr. WILLIAMS] does not at all relieve the situation, because it has been repeatedly ruled by the Chairman of the Committee of the Whole that a declaration of the intent of the law is not in order.

The amendment to the amendment is not germane to the amendment, and the point of order must be sustained.

Mr. McRAE. I only wanted to say that I think it is germane to the amendment of the gentleman from Iowa and, inasmuch as the amendment proposed by him was subject to a point of order, that he ought not to make it against so modest and just an appropriation as this, even if good. But his having been accepted as pending, this should not be ruled out if germane to his.

The CHAIRMAN. The Chair begs to call the attention of the gentleman from Arkansas to the fact that one amendment relates to civilians and the other to soldiers.

Mr. McRAE. They are all in the service of the Government and make a part of the military establishment, and certainly the expense of burying soldiers should not be ruled out and the expense of burying civilians admitted on the Army appropriation

bill. The paragraph under consideration relates to transporting and burying those who die in the military service of the Government.

Mr. FITZGERALD of Massachusetts. I think the amendment offered by the gentleman from Iowa is subject to a point of order, but I do not intend to raise it at this time.

The CHAIRMAN. It is too late to raise that point of order now, the matter having been discussed for half an hour.

Mr. FITZGERALD of Massachusetts. I do not intend to raise it anyway.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. HULL].

The amendment was agreed to.

Mr. HAY. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 19, line 7, strike out the words "Puerto Rico"—

The CHAIRMAN. Line 7 has already been stricken out of the bill—the entire line.

Mr. HULL. All after the word "soldiers," down to and including the word "Philippines," in line 8, was stricken out by instruction of the committee.

Mr. HAY. I withdraw the amendment.

Mr. GREEN of Pennsylvania. Mr. Chairman, on page 18, in line 25, after the word "officers," I move to insert the words "noncommissioned officers and soldiers;" and in line 2, page 19, after the word "orders," to strike out the words "and of noncommissioned officers and soldiers" and insert the words "and on furlough or sick leave."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read, as follows:

On page 18, line 25, after the word "officers," insert "noncommissioned officers and soldiers."

On page 19, line 2, after the word "orders," strike out the words "and of noncommissioned officers and soldiers" and insert "and on furlough or sick leave."

Mr. HULL. I did not catch that amendment. I should like to have it reported again.

The CHAIRMAN. The Clerk will again report the amendment, if there be no objection.

There was no objection.

The amendment was again read.

Mr. HULL. I, of course, could not raise the point of order to the proposition transposing the words, but the gentleman's further amendment is a change of existing law and changes the wording of this; and, as gentlemen are so anxious to keep us down to the exact wording, I shall raise the point of order, if he insists on that.

Mr. GREEN of Pennsylvania. Why, Mr. Chairman, I hope the gentleman will not insist on that point of order. It is a mere amendment of the words and a declaration of existing law, as I understand existing law to be.

It takes up the question of furlough. This is a matter of equity and fairness. If a man dies at Chickamauga he is entitled to be sent home and buried. If he is sent home sick and dies there, I can not see why he is not entitled to the same consideration. I can not see the proper ground for such a variation in the ruling. Now, this is the proper place to put the amendment, it seems to me. It is about what I had intended to do, only if the chairman will read that—the latter part of the sentence in the bill practically means nothing—where it says "and of noncommissioned officers and soldiers." This simply extends it to take in those persons who actually should be taken in—men who die on furlough or on sick leave. It will make no difference in the amount of the appropriation required, and it must be germane to the subject. There is nothing in this that prevents us from making an enlargement of this class, and I can not see how the point of order can possibly be sustained.

Mr. HULL. Mr. Chairman, the language of the bill follows the item in the bill for the past twenty years at least in regard to this matter of the construction of the section, but the gentleman from Pennsylvania [Mr. GREEN] adds to that words which must in the nature of things be new legislation or utterly worthless.

The CHAIRMAN. The present law does not provide for soldiers on furlough or sick leave.

Mr. HULL. The present law provides just as I have read. It does not use those words.

Mr. GREEN of Pennsylvania. I should like to ask the gentleman whether, because it has been in bills for a number of years, that is any particular reason why we should conform to the exact language?

Mr. HULL. It seemed to be so held yesterday by several gentlemen on this floor in regard to what I regarded very important matters.



The CHAIRMAN. Is there any provision of law with reference to soldiers on furlough and sick leave at the present time?

Mr. HULL. My understanding is that the appropriation bills as passed have been the law, and that they follow the law exactly as to what should be done.

Mr. GREEN of Pennsylvania. Then, Mr. Chairman, if that is the case, if the appropriation bill passed now becomes a law, and if that is proper, why should not this be embodied into it?

Mr. HULL. The general law fixes the compensation for burial. I will say to the gentleman that I have been anxiously contending for the right of the Committee on Military Affairs to adjust the wording from year to year of different provisions of the bill, but I have always been overruled, and if it is to be applied all through I raise the point of order on the other.

Mr. RYAN of Pennsylvania. Mr. Chairman, in response to your inquiry as to whether there was a provision for the burial of soldiers—

The CHAIRMAN. That was not what the Chair was asking for. It was whether they were entitled to traveling expenses while on furlough or sick leave.

Mr. GREEN of Pennsylvania. This is simply the burial expenses where they died on furlough. Now, Mr. Chairman—

The CHAIRMAN (reading). "Traveling under orders and on furlough or sick leave."

Mr. GREEN of Pennsylvania. But above that it comes in.

The CHAIRMAN. Is there at present any provision for paying expenses while they are traveling on furlough or sick leave?

Mr. GREEN of Pennsylvania. Yes, but not after they have reached the place of their destination.

Mr. HULL. Oh, no.

Mr. GREEN of Pennsylvania. If they died traveling, as I understand it, this bill covers it; but if they reached their destination it does not cover it.

Mr. HULL. The Government has never paid the expenses of a man on furlough except in the case of the civil war where they enlisted as an organization and had thirty days' leave, and the Government transported the regiment back to their homes and then back to the field; but there never has been any other case where men receiving a furlough can get their traveling expenses on the furlough.

Mr. GREEN of Pennsylvania. Is it not true that when the soldier dies at the camp or while traveling in the service he is buried? Now, if he is sent on a furlough or sick leave it is not true, and why should there be a difference made?

The CHAIRMAN. That is not the point before the Chair. The question is whether it is obnoxious to the rule; and it seems to the Chair that if it is not obnoxious to the rule, it is not necessary. If it is existing law, it is already provided for. If it is not existing law, it is obnoxious to the rule and can not go on an appropriation bill.

Mr. GREEN of Pennsylvania. But I understand we are making existing law here in regard to that matter.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Barracks and quarters: For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same: *Provided*, That no part of the money so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men, \$3,000,000.

Mr. HULL. Mr. Chairman, that was a misprint in that respect. The words "three million dollars" should be stricken out of line 9 and inserted after the word "same," in line 7.

The Clerk read as follows:

Strike out the words "three million dollars," in line 9, and insert them before the word "same," in line 7.

The amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, I want to strike out the comma (,) after the word "fuel," in line 8.

The CHAIRMAN. If there be no objection, the amendment will be agreed to.

There was no objection.

Mr. CALDERHEAD. Mr. Chairman, I desire to offer an amendment on the same page, to line 7, after the word "dollars," which has just been inserted by the chairman of the committee.

The Clerk read as follows:

Page 21, line 7, after the word "dollars," insert: "Provided, That of said sum there shall be expended \$75,000 for continuing construction of permanent buildings at Fort Riley."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FITZGERALD of New York. I raise the point of order against the amendment.

Mr. CALDERHEAD. I hope the gentleman will reserve the point of order and let me make a statement.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. FITZGERALD of New York. I reserve it, if the gentleman wishes to make a statement.

Mr. CALDERHEAD. I do.

Mr. Chairman, I do not think that the point of order will apply in this case; but before I address myself to that subject I want to ask particular attention to the matter. This is one of the most important and largest military reservations in the United States, as there are 22,000 acres of land and more than \$750,000 worth of buildings on it that have been put there since 1887. It was established under the direction of General Sheridan at the time he was Lieutenant-General, for the purpose of establishing there a training school for cavalry and artillery. It was intended, I believe, as a twelve-company post of cavalry, with the addition of five batteries of light artillery.

Buildings have been constructed there from time to time for the purpose of completing the post for the uses for which it was intended. There yet remains, according to the original plan of General Sheridan and the plan which was adopted in establishing the post buildings, enough to amount to \$250,000 to complete the plan. During the lifetime of the late Senator Plumb careful attention was paid to the appropriations from year to year for the purpose of continuing the construction of these buildings; but since his death no appropriation has been set apart by the Department for this purpose; no use has been made of this item in the annual bill for the purpose of continuing the construction of buildings at this post.

In the Fifty-fourth Congress, by an item in the sundry bill, \$75,000 was given for the purpose of continuing the construction at this post. There is no question but that the construction of these buildings should be continued until the post is completed. There is no doubt about that matter in the mind of General Miles or in the minds of the officers of the Army who are acquainted with the post. In the disposition of these funds placed in the hands of the Secretary of War by this item I do not know what influences prevail, but it happens that Fort Leavenworth is also situated in my State, in the First Congressional district. That Congressional district is represented in Congress by two Senators and, at the present time, by two members of Congress. Their influence usually prevails in the disposition of funds for the purpose of carrying on the building at Fort Leavenworth, and Fort Riley is allowed to stand idle.

Now, recently, since the committee have considered this bill, one siege battery has been ordered to Fort Riley. Day before yesterday I called on Colonel Miller at the War Department, who has charge of the construction of barracks and quarters, and he gave me a memorandum. He said there would be needed barracks for the siege battery, stables for the siege battery, a gun shed, and one double set of officers' quarters. The aggregate estimate, according to the original estimate of the buildings required for the completion of this post for these items which he named to me, amounts to \$100,000. The estimate for the buildings that are needed to complete that post are in a statement which I will have printed with my remarks, but which I need not read now. I will say, however, for the cavalry quarters there is needed \$100,000, for the artillery \$107,000, and for the medical department \$19,965, a total amount of between \$240,000 and \$250,000 for the completion of the entire post according to the original plan.

Now, it is a very small item to set apart \$75,000 at one session of Congress and \$75,000 at another session until that post is completed. The statement of Colonel Miller to me was that \$100,000 would be necessary for the completion of the buildings for the siege battery which has been ordered there, and that battery has been ordered there as a part of the permanent garrison. It is for the purpose of training the men in the use of different arms of the service from time to time, and while the battery is not to be removed, the soldiers are sent there for the purpose of drill and training.

I want to state a little further concerning the post that no post in the United States is better equipped with the same amount of expenditure. As I said, I think it is the largest military reservation which the Government owns. There are 22,000 acres of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALDERHEAD. I would like to have three minutes more.

The CHAIRMAN. The gentleman from Kansas asks for three minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDERHEAD. The statement of the War Department is that the horses for the cavalry and artillery are maintained with less expense than in any other post in the United States. The fact is, the post has on it quantities of native stone, which is used for rubble work, and the buildings have been constructed for less money than any other buildings of the same size and quality at any post in the United States.

Now, I know it is not a gracious thing to ask this committee to distribute the fund, to apportion it to this post and that post, but



I think the committee is justified in this instance in appropriating this much for continuing the construction of this post, in view of the fact that the siege battery has been ordered there at this time, which was not known to the committee at the time they had the bill under consideration. I do not think the chairman will object to it. If I had had the opportunity I would have presented the matter to the committee before the bill was reported. It is not subject to the point of order which the gentleman has raised. It is not a new appropriation. It is merely directing the Secretary of War to segregate from his annual appropriation for this purpose this amount for the construction of the buildings at Fort Riley.

The committee has a perfect right, and Congress has a perfect right, to direct that matter. It is not subject to the point of order that it is new legislation. The post has been under construction since the year 1887, and it is not completed according to the original plans, and it will not be until all the quarters that I have recited have been constructed. On that I think the point of order is not well taken.

On the other point, the wisdom of directing the Secretary to segregate this appropriation, I appeal to the House for that direction, for the reason that if it is not done there are Senators and members of Congress to use their influence that the amount shall be segregated after the appropriation goes into the hands of the War Department and use it for the continuation of construction at other places to the neglect of Fort Riley, which needs it.

I think, Mr. Chairman, that I have said all that I desire to say upon this matter.

Mr. SIMS. Will the gentleman allow me an interruption?

Mr. CALDERHEAD. Yes.

Mr. SIMS. Are you afraid to risk the Secretary of War?

Mr. CALDERHEAD. For the reason I have stated, that there are Senators whose interest is in other places and members of Congress who are interested in other posts to use their influence with the Secretary of War to secure additional buildings at their posts, while the district in which Fort Riley is located has only one member of Congress to speak for this post.

Mr. SIMS. If we can not risk him in this instance, we should have to parcel it all out.

Mr. CALDERHEAD. That, of course, would be the objection. The House must use its own discretion in the matter. The committee might have used their discretion if the matter had been presented at the proper time. I think this is an instance in which the House can properly use its discretion in this matter, and I do not believe the chairman of the committee will object.

The following is the paper referred to by Mr. CALDERHEAD:

When the school of instruction for cavalry and light artillery was established here it was intended that the garrison should consist of one regiment of cavalry and not exceeding five batteries of light artillery, and the construction of the post has been carried on with the view of providing for a garrison of that size.

To complete the post as thus planned the following buildings are required:

<b>For the cavalry:</b>	
2 sets field officers' quarters.....	\$14,000.00
1 double set officers' quarters.....	12,765.00
3 double sets noncommissioned officers' quarters.....	11,461.00
1 set band barracks.....	5,000.00
7 stables.....	60,000.00
7 workshops.....	8,400.00
<b>Total.....</b>	<b>112,053.00</b>
<b>For the artillery:</b>	
3 double sets officers' quarters.....	38,300.00
2 barracks.....	42,000.00
3 gun sheds.....	24,000.00
3 workshops.....	3,600.00
<b>Total.....</b>	<b>107,900.00</b>
<b>Medical department:</b>	
1 field officer's quarters.....	7,200.00
1 double set officers' quarters.....	12,765.00
<b>Total.....</b>	<b>19,965.00</b>
	<b>240,419.76</b>

Mr. HULL. Mr. Chairman, I do not believe it is subject to a point of order, but I am compelled to object to the amendment. I think the committee would have a right to go through all the posts in the United States and make a specific appropriation for each one. And we have repeatedly adopted provisos of this kind. I do not care to discuss the amendment unless it is held by the Chair to be in order.

The CHAIRMAN. It seems perfectly clear to the Chair that the rule prohibiting legislation on appropriation bills does not preclude this amendment, but that the amendment is a provision which should be carried on the sundry civil rather than the military bill.

Mr. HULL. Provisions of this kind have repeatedly been placed on the military bill.

The CHAIRMAN. If the gentleman is correct about that, the amendment would be in order here, because it is not new legislation; it is clearly a provision for the continuance of a work in progress.

Mr. HULL. Provisions of this kind have repeatedly been put on the Army appropriation bill. For instance, in the last Congress we made a limitation on the appropriation for hospitals by providing that a certain amount should be expended at Hot Springs, Ark. At one time since I have been a member of the committee there was a proviso adopted that a certain amount of the appropriation for barracks and quarters should be expended at Columbus, Ohio. I could recall, if necessary, many other instances. I suppose that we would have the right to appropriate a lump sum, letting the War Department distribute it as it pleased, or we would have the right to take up all the posts of the United States and make a specific appropriation for each, would we not?

The CHAIRMAN. The understanding of the Chair is that the appropriation for military posts has always heretofore been carried upon the sundry civil bill, not the military bill.

Mr. HULL. I think that ever since the appropriation bills were distributed among different committees, we have incorporated provisions of this kind in the item for barracks and quarters for troops, storehouses, etc. I do not say that some appropriations of this class are not carried upon the other bill, because I find that the Appropriations Committee frequently reports appropriations on the sundry civil bill for almost anything on earth that seems to them proper.

But we have jurisdiction of the question of barracks and quarters; the language of this bill gives us that jurisdiction. We have always had it from the time the appropriation bills were distributed among the different committees.

The CHAIRMAN. If the Chair may interrupt the gentleman from Iowa, he desires to say that in the sundry civil bill for 1896 there is a provision "to continue the construction of buildings at the Fort Riley, Kans., military post, to be expended under the direction of the Secretary of War, \$75,000."

Mr. CALDERHEAD. The Chair will allow me to say that I was at that time a member of Congress and made an appeal to have that appropriation adopted on the sundry civil bill. I want to say, however, that at that time I felt that the jurisdiction was entirely with this committee. My proposition happened to come in accidentally, as it were, in connection with an appropriation asked for by Mr. Hyde, of Washington, for the post at Spokane. Upon his appeal that appropriation was granted; and afterwards the chairman of the Committee on Appropriations consented to an amendment by which each of these posts obtained an appropriation, Mr. Hyde obtaining his appropriation for the post at Spokane and I obtaining the appropriation for Fort Riley.

I think the truth is that this is a matter entirely within the jurisdiction of this committee. As the chairman of the committee [Mr. HULL] has just said, they might report separate appropriations for each of the military posts, according to their own discretion. It is a matter for their judgment. I am asking this appropriation at this time for the reason I have stated, and I urge earnestly that it is for the purpose of continuing construction work at one of the best and most important military posts in the country.

Mr. FITZGERALD of New York. Was not this at the outset specifically authorized in some separate bill?

Mr. CALDERHEAD. Oh, no.

Mr. HULL. Oh, no. It follows the same language as other appropriations of the same class, except where some limitation or proviso has been added; but there is no law authorizing this particular language.

I will say to my friend from New York [Mr. FITZGERALD], that these matters come up on a question of jurisdiction. I assume that what the Chair now has in his mind is the question of jurisdiction between different committees, not the language.

The CHAIRMAN. That is it. There is no question that this is for the continuation of a work now in progress; and as such it is entirely competent for the Committee of the Whole to make this appropriation on some of the appropriation bills. The only question is which is the proper bill.

Mr. HULL. If the Chair will look back through all the appropriation bills reported from the Military Committee since the distribution of the appropriation bills, he will find in all of them substantially the language of this bill, with the exception at different periods now and then of a provision that a certain amount of the appropriation should be expended at some particular point.

The CHAIRMAN. The Chair desires to call attention to the fact that the amendment offered by the gentleman from Kansas provides for continuing the construction of permanent buildings, whereas the body of the bill provides simply for the construction of temporary buildings and for repairs, not for continuing the construction of permanent buildings.

Mr. CALDERHEAD. I would not undertake to limit the jurisdiction of the Committee on Appropriations and say what it might or might not admit in the sundry civil bill, only that it has always been perfectly clear to my mind that this committee had jurisdiction of this subject; and that if it had a right to make appropriations for the construction of temporary buildings it also had a



right to make appropriations for the construction of permanent buildings, and it certainly had the right to make an appropriation to continue the construction of buildings at posts that were already established.

If it has a right to appropriate at all for the construction of barracks and quarters at any military post in the United States, it certainly has the right to appropriate for the construction of barracks whether temporary or permanent, and it has the right to segregate any item from the amount of the appropriation at any time for any post. As the chairman has just said, it has been done from time to time in different instances. If it had not been perfectly clear to my mind that it had the right to do that thing in this instance, I would not have troubled the committee or the chairman with the proposition; but I believe this is the proper place to ask for this distribution of that fund, and I ask for it.

The CHAIRMAN. The Chair will overrule the point of order as raised by the gentleman from New York [Mr. FITZGERALD].

Mr. HULL. Mr. Chairman, then I want to say that I am opposed to the amendment. I do not believe that we should go into the business of segregating these items without any information whatever from the War Department. We have had no information from the Department leading us in any way to take up this question. The gentleman from Kansas spoke to me some time ago about it, and I requested him to get a recommendation from the War Department in order to strengthen his position.

Now, he has submitted this morning an estimate of what it will cost to continue this work; but, Mr. Chairman, that question could not be determined by us because we do not know whether it is necessary to continue the work at this time or not. I hope this amendment will be voted down, because, without any information whatever before the committee, without any information to-day before the House, except the gentleman's statement which I do not challenge, but which is not official from the proper authorities, I think we shall be entering into the wrong course of legislation to attempt to segregate these items that are appropriated in a lump sum.

Mr. FITZGERALD of New York. I desire to speak in opposition to the amendment. I agree fully with the chairman of the Committee on Military Affairs. It has been the custom to set aside in each of these appropriation bills a certain amount to be expended, in the discretion of the Secretary of War, for the improvement of these various posts. Now, this practice has been adopted, as I understand it, in order that the Secretary of War, in his discretion and with the information at his command, might put this money in the different places where it is most needed. Now, if there is any particular merit in this request of the gentleman from Kansas, why, I am sure the Committee on Military Affairs would consider a bill to appropriate money to continue the construction of this post, and it should receive favorable consideration in this House, just like other measures which are pending for that purpose; but for this committee to incorporate in this bill a limitation upon the power of the Secretary of War, a reflection upon his discretion, in his official action, is something that it appears to me should not be done. I would leave it in his discretion and permit him to expend this money.

Now, the gentleman says this post requires it particularly. Nobody knows that better than the Secretary of War does, if that be true, and there is no reason why we should favor this particular post to the disadvantage of all the other posts in the country. Now, there may be special reasons for it, but I can not see them. I would say to the gentleman that right in the city of New York, in the borough of Brooklyn, is situated Fort Hamilton, one of the most important posts in this country—one of the defenses of the city of New York. At that post immense sums of money have been expended in perfecting the batteries, but the quarters for officers and men are hardly fit for dogs. Now, if you want to limit the power of the Secretary in this matter, there would be the proper place to compel him to expend the money, so that these men, in one of the most important defenses of the country, could exist with some degree of comfort and security, and for that reason I am opposed to any special favoritism of this kind for any post.

Mr. CALDERHEAD. Mr. Chairman—

Mr. HULL. I ask unanimous consent that debate on this proposition close in ten minutes. That certainly ought to be enough, and I am perfectly willing to say in five minutes, if nobody objects.

Mr. CALDERHEAD. I would like to have a little more than that.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that debate on this question close in five minutes.

Mr. CALDERHEAD. Make it ten.

Mr. HULL. In ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CALDERHEAD. I wish to say in reply that I do not intend to cast any reflection upon the Secretary of War or anybody

in the War Department as to the manner of their distribution of the funds that are placed in their hands for the construction of military posts or the completion of them. Congress never reflects upon their judgment in this matter, and there is no reflection on their judgment in doing this thing. Year after year the Military Committee gives to the Quartermaster-General or to the War Department from two to three or four million dollars to be used for the construction of barracks and quarters and for the completion of military posts. It puts in his hands a fund; and if the gentleman from New York [Mr. FITZGERALD] will give me his attention, I will say to him that it puts in the hands of the Quartermaster-General a fund for the purpose of keeping up Fort Hamilton, as well as all the other forts, and the Secretary of War or the Quartermaster-General, under his direction, has expended more money in repairs at Fort Hamilton in the last three years than I ask for the purpose of carrying on the construction of permanent buildings at this fort.

Mr. FITZGERALD of New York. Will the gentleman permit me?

Mr. CALDERHEAD. Fort Hamilton has cost more money in any twenty years of its existence—

Mr. FITZGERALD of New York. The money has been expended for batteries and defenses, and not for buildings and quarters. As far as I can learn, there has been no money expended for that purpose—

Mr. CALDERHEAD. I have not the figures at hand.

Mr. FITZGERALD of New York. "The gentleman from New York" has the figures.

Mr. CALDERHEAD. Here in the RECORD, in the speech made the day before yesterday by the gentleman from New York [Mr. McCLELLAN], is a statement of expenditures for buildings within the last five years, showing \$96,000 expended for that purpose within that time at Fort Hamilton. At Fort Sheridan the sum of \$715,000 has been expended; at Spokane, \$205,000; at Fort Bliss, in Texas, \$358,000; at Fort Harrison, \$366,000; at Fort Logan, in Colorado, \$622,000; at Fort McPherson, in Georgia, \$722,000; and at Fort Crook, Nebr., \$723,000.

These moneys have been distributed under the direction of the Secretary of War and the Quartermaster-General, according to their judgment. Now, while Congress has implicit confidence in their integrity and in their judgment as to the necessities of these various cases, it remains the fact that the final responsibility is upon Congress, and we leave it to the Military Committee.

Mr. CLAYTON of New York. I should like to ask the gentleman a question. He made the statement that \$96,000 was expended for buildings at Fort Hamilton, N. Y.

Mr. CALDERHEAD. Yes.

Mr. CLAYTON of New York. Does the gentleman know what that was expended for?

Mr. CALDERHEAD. "Cost of buildings constructed since January 1, 1895, or under construction on March 19, 1900"—

Mr. CLAYTON of New York. But that includes a lot of temporary structures put up there in 1893—

Mr. CALDERHEAD. I will just read the list and then you will see.

Mr. CLAYTON of New York. I have the list before me.

Mr. CALDERHEAD. If the gentleman has the list he will see that the bulk of that money was for repairs to buildings that were already there, and that was disbursed and expended according to the discretion of the Quartermaster-General.

Mr. CLAYTON of New York. How much of it was for repairing permanent barracks?

Mr. CALDERHEAD. If the gentleman has the items there he can easily see by reading them.

Mr. CLAYTON of New York. It says, for temporary barracks, \$17,000, and for plumbing in the same, \$4,200 more.

Mr. CALDERHEAD. It does not say temporary works alone. It also says—

For forage storehouse, \$7,180.41; wagon shed, \$2,500.

Mr. CLAYTON of New York. It says—

Six temporary pavillion hospital wards, \$17,124.

Mr. CALDERHEAD. And right opposite that it says—

Four double set noncommissioned and staff officers' quarters, \$17,537.

Mr. CLAYTON of New York. You state the use part of the money was put to, and a part of it was not.

Mr. CALDERHEAD. I certainly wanted to be fair, and I know the gentleman does.

Mr. CLAYTON of New York. Now, how much has been spent on the post you speak of?

Mr. CALDERHEAD. Not a solitary cent in the last two years, except what was spent for the repair of the roofs and ordinary repairs.

Mr. CLAYTON of New York. You have talked about the \$96,000 that has been spent for Fort Hamilton. Now, how much was spent on that fort?

Mr. CALDERHEAD. Within the last ten years there has only



been expended \$75,000 at Fort Riley in the construction of buildings, and this was obtained in the Fifty-fourth Congress.

Mr. CLAYTON of New York. And how old a post is it?

Mr. CALDERHEAD. It is not a question as to how old the post is; the question is, What is the use of the fort there? It was established as a training school for cavalry and artillery, and is now used for the training of a siege battery in connection with it. It is one of the permanent posts of the Army.

Mr. FITZGERALD of New York. Will the gentleman permit me to ask him a question?

Mr. CALDERHEAD. You will only consume my time.

The CHAIRMAN. Does the gentleman yield to the gentleman from New York?

Mr. CALDERHEAD. Certainly, if he does not take too much of my time.

Mr. FITZGERALD of New York. I would like to ask if the gentleman thinks it is more necessary to spend a sum of money to put up buildings where soldiers are trained or quarters where they have to live and care for the defenses of the country?

Mr. CALDERHEAD. There is no question about that. Will the gentleman be candid enough to say when Fort Hamilton was established?

Mr. FITZGERALD of New York. The memory of man goes not to the contrary.

Mr. CALDERHEAD. Exactly.

Mr. FITZGERALD of New York. And the people are living there now as they were.

Mr. CALDERHEAD. I say that Fort Hamilton is one of the oldest posts of the country, and there has not been a year from its foundation that it has ever lacked the necessary appropriation through Congress or by the necessary distribution from the War Department—not at any time. The very fact that within the last two years more money has been expended in the construction of buildings there and in the repairs of buildings and quarters there than have been expended on the post at Fort Riley within the last ten years—

Mr. CLAYTON of New York. Does not the gentleman know that these buildings were temporary buildings for the accommodation of sick soldiers?

Mr. CALDERHEAD. Seventeen thousand dollars were, but \$17,500 is for permanent headquarters for noncommissioned officers, and the remaining items for permanent buildings. But I do not intend to detract anything from the merits of Fort Hamilton. I am only asking for a fair distribution; and I say now that it is entirely within the power of the committee and Congress to direct the Secretary of War where the money shall be expended, and a double responsibility is with the committee. It was not necessary that I should bring to the committee as a private member of this House or as a private citizen—it was not necessary that I should bring to the committee notice of the demands of these several posts. The committee is organized for the purpose of ascertaining what is required at these several posts, and for the purpose of directing the distribution of its appropriations.

Mr. FITZGERALD of New York rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from New York?

Mr. CALDERHEAD. I have only two minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. CALDERHEAD. The committee is organized for the purpose of determining what is required. It was the duty of the committee to know that the post at Fort Riley was not completed according to the plans that were authorized in 1887; it was the duty of the committee to ascertain whether the construction of the buildings had been carried on there according to the original plans or not.

Whether it was by the direction of the Secretary of War or by the direction of the Quartermaster-General, who supervises the buildings, it was the duty of the committee to ascertain whether that post had been completed according to the plans and directions upon which it was established. And the final responsibility and duty is on Congress to say where and how its military posts shall be constructed. Congress has heretofore directed by its own act that the post at Fort Riley shall be completed for a post where soldiers shall be trained in the use of the different arms of the service, and it is now the duty of Congress to make the appropriation to complete the post, and I ask this amendment of this bill for this purpose.

Mr. HULL. Now, Mr. Chairman, I call for a vote.

The CHAIRMAN. Debate upon this amendment is exhausted by order of the committee, and the question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Transportation of the Army and its supplies: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses for recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and

employees; of clothing, camp and garrison equipage, and other quartermaster's stores, from Army depots or places of purchase or delivery to the several posts and Army depots, and from these depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as trainmasters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; for procuring water, and introducing the same to buildings, at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of Army transportations lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service, \$30,000,000: *Provided*, That \$100,000 of this sum can be used in Alaska, and shall be immediately available, for the construction of military roads and bridges in Alaska; and said appropriation shall be continuous until said sum shall be expended.

Mr. McRAE. Mr. Chairman, I make a point of order against the provisos to this paragraph.

Mr. LEVY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York. For what purpose does the gentleman from Arkansas rise?

Mr. McRAE. I want to make some inquiries about the provisos, and therefore reserve the point of order.

The CHAIRMAN. The Chair will recognize the gentleman from New York.

Mr. LEVY. I offer the following amendment.

The CHAIRMAN. The Chair thought the gentleman from New York desired to debate the proposition. The committee will first dispose of the point of order.

Mr. McRAE. It is only to the proviso to that section; I want some explanation of it. I am perfectly willing for the gentleman from Iowa to explain the matter.

Mr. HULL. I do not believe it is subject to a point of order, for we are now legislating in this section for military roads for troops; but I will send to the Clerk's desk and have read a communication received from the War Department, which sends it to the Committee on Military Affairs to put in the proviso in this way in place of letting it go in the other way.

The Clerk read as follows:

WAR DEPARTMENT, Washington, February 12, 1900.

SIR: I have the honor to inform you that the War Department has this day transmitted to Congress, through the honorable Secretary of the Treasury, an estimate of appropriation for the sum of \$100,000 for the construction of military roads and bridges in Alaska under the title of "Transportation of the Army and its supplies."

It is requested that the subject of this estimate be considered in connection with the estimates for the support of the Army now pending before your committee; and as the working season is so short in this region, it is also requested that the appropriation be made available immediately and be continuous until work is completed or appropriation exhausted.

Very respectfully,

ELIHU ROOT, Secretary of War.

Hon. JOHN A. T. HULL,  
Chairman Committee on Military Affairs,  
House of Representatives.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., February 13, 1900.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of War of the 12th instant, submitting an estimate of appropriation for "Transportation of the Army and its supplies," being for the construction of military roads and bridges in Alaska, \$100,000, the same to be made immediately available and to remain available until expended.

Respectfully,

O. L. SPAULDING,  
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT, Washington, February 12, 1900.

SIR: I have the honor to forward herewith for transmission to Congress an estimate (\$100,000) of appropriation for "Transportation of the Army and its supplies," for the construction of military roads and bridges in Alaska,



and to request that the funds, if appropriated, may be made available for immediate expenditure and remain available until the appropriation is exhausted.

Very respectfully,

The SECRETARY OF THE TREASURY.

ELIHU ROOT,  
Secretary of War.

WAR DEPARTMENT,  
QUARTERMASTER-GENERAL'S OFFICE,  
Washington, February 12, 1900.

SIR: This office has learned that request has been made to Congress for an appropriation "for the purpose of connecting headquarters Department of Alaska, at St. Michael, by military telegraph and cable lines, with Fort Egbert, Cape Nome, and other military stations in Alaska."

General Randall, department commander, informs me that it will be necessary to construct roads in connection with above lines, and also to build other military roads. It is therefore recommended that an appropriation of \$100,000 be requested "for the construction of military roads and bridges in Alaska."

As the working season is so short in this region, this work will probably extend over two or three fiscal years, and it is requested the appropriation be made available immediately and be continuous until work is completed or appropriation exhausted.

Estimate in regular form is transmitted herewith.

Respectfully,

M. I. LUDINGTON,  
Quartermaster-General, U. S. A.

The SECRETARY OF WAR.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1901, by the Quartermaster's Department, United States Army.

WAR DEPARTMENT.

QUARTERMASTER'S DEPARTMENT.

Transportation of the Army and its supplies—

For the construction of such roads and bridges in Alaska as may be found necessary for military purposes in that Territory (submitted) \$100,000

NOTE.—It is respectfully recommended that this sum be added to the \$38,578,547 already estimated for "Transportation of the Army and its supplies," and that the language of that appropriation be made to provide that \$100,000 shall be immediately available for such construction of roads and bridges, and remain available until exhausted.

Mr. McRAE. Now, Mr. Chairman, the provision which makes this appropriation continuous is beyond all question subject to a point of order. There ought not to be any policy initiated here which will make appropriations immediately available and continuous. Appropriations should be for the next fiscal year; and if the road is not completed by the 1st of July, 1901, other money can be appropriated. I do not question the necessity for it, for I do not know anything about it. I do say that such appropriation should not be made for Alaska when it is not made for other places. If the gentleman will modify his amendment and strike out the words "continuous appropriations"—

Mr. HULL. This came to us after the bill had been reported to the House, with an estimate, and also with the draft of a bill to be introduced independent of the appropriation bill, or, if put on the appropriation bill, it was suggested that it ought to be in addition to what we had already appropriated. The committee examined that matter and believed the appropriation already reported was ample for the current fiscal year, and would be ample with this amount taken out. Now, Mr. Chairman, the only question, as I understand it, which the gentleman raises on the point of order would be that to make it continuous and immediately available.

Mr. McRAE. I think it is all subject to a point of order, but that is all I insist on.

Mr. HULL. I do not believe the part outside of those words would be subject to a point of order. The season up there is very short.

Mr. McRAE. The fact that the season is short seems to me to be no reason for making the appropriation continuous.

Mr. HULL. The appropriation in the bill each year comes in too late for them to get the full benefit of the work. For instance, this appropriation goes into effect from the 1st day of June, and they ought to be at work as soon as this, or as soon as they are able to get to work, to take advantage of the short season. Therefore this provision making the appropriation continuous and available is desirable; but if the gentleman wants to limit it to two fiscal years, I would not object to that. There is a general law that all appropriations are covered back into the Treasury if not used in two years.

Mr. McRAE. I think when we make it immediately available that is sufficient. If there is any pressing necessity for it, they can certainly spend \$100,000 in a year and a half. It is against the well-established policy to make appropriations continuous, and I now object to changing that wise policy, rule, and law.

Mr. HULL. I am willing to strike out the words "continuously available."

Mr. McRAE. Strike out all after the word "and?"

Mr. HULL. All after the word "Alaska," in line 24, page 23.

Mr. McRAE. Yes.

Mr. HULL. That would make it available for the balance of this fiscal year and for the next fiscal year, when Congress can further legislate in regard to it.

Mr. McRAE. No doubt it will all be spent by that time. Then,

Mr. Chairman, with that understanding, I withdraw the point of order.

Mr. HULL. Mr. Chairman, I move to strike out, in line 23, all after the word "Alaska" down to and including the word "expended," in line 2, on page 24.

The amendment was agreed to.

Mr. LEVY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 23, in line 12, insert after the word "ocean," the following:

"That from and after the 30th day of June, 1900, all the powers exercised and duties performed by the Secretary of War in relation to Army transport, their officers and crews, shall be exercised or performed by the Secretary of the Navy, and said transports shall form an auxiliary of the naval service of the United States: *Provided*, That the Secretary of the Navy shall, upon the requisition of the Secretary of War, provide for the transportation of all troops, stores, and accouterments of the Army as may be necessary, the responsibilities of such transportation to begin at water's edge at embarkation, and end at water's edge of destination: *And provided further*, That nothing in this act shall be so construed as to affect or impair the present powers conferred or duties devolved by the laws of the United States, upon the Secretary of War regarding the transportation of said troops, stores, and accouterments, by land."

Mr. STEELE (interrupting the reading). Mr. Chairman, it is perfectly obvious that that is obnoxious to a point of order, which I make.

The CHAIRMAN (Mr. GROSVENOR). The Chair thinks the amendment should be read in full to the House.

Mr. HULL. Does the Chair desire that it shall be read through?

The CHAIRMAN. The Chair is of the opinion that the amendment is not in order.

Mr. STEELE. It is perfectly obvious that it is a change of existing law.

Mr. LEVY. I think it is germane to the question.

Mr. STEELE. Well, Mr. Chairman, I will withdraw the point of order temporarily for the purpose of having the amendment read through.

The Clerk proceeded with the reading of the amendment, as follows:

SEC. 2. That the Secretary of War, at the close of the fiscal year, shall transfer from the War Department to the Navy Department all Army transports, together with all records appertaining thereto, their appurtenances, and all things belonging or pertaining to said vessels.

SEC. 3. That transports belonging to the United States shall be officered and manned from the Navy: *Provided*, That when transports are chartered by the United States the officers and crews thereof in whole or in part may, at the discretion of the Secretary of the Navy, be included in the charter party.

SEC. 4. That from and after the passage of this act there shall be established in the Navy Department a bureau of transports.

SEC. 5. That the chief of bureau of transports shall be appointed from the list of line officers of the Navy not below the grade of commander in the same manner and under the same provisions as other chiefs of bureaus in the Navy Department. He shall perform, under the direction of the Secretary of the Navy, all executive duties relating to transportation afloat which are or which may be hereafter placed under the control of the Navy Department.

SEC. 6. It shall be the duty of the Navy Department to provide vessels for the transportation of officers and men, as well as of other persons attached to the Army or Navy, and of all stores, equipment, and accouterment for both branches of the service as may be necessary; to prepare plans for the quick conversion of merchant vessels to the needs of the transport service, and to provide proper regulations to govern the transport service.

SEC. 7. That all contracts entered into by the Secretary of War for the maintenance, construction, and repair of the Army transports in force on the 30th day of June, 1900, shall remain in force the same as if made by the Secretary of the Navy in accordance with the provisions of this act.

Mr. STEELE. Now, Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair is very clear that the point of order should be sustained. The Clerk will read:

The Clerk read as follows:

Clothing, and camp and garrison equipage: For cloth, woollens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing and washing and cleaning, when necessary; for equipage, and for expenses of packing and handling, and similar necessities; for a suit of citizen's outer clothing, to cost not exceeding \$10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge, for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed by order of medical officers of the Army for sanitary reasons, \$8,000,000: *Provided*, That on application of the governor of any State or Territory the Secretary of War is authorized to replace the quartermaster stores which the volunteers from said State or Territory carried into the service of the United States Army during the recent war with Spain, and which have been retained by the United States' exclusive of such stores as have been allowed for in the office of the Auditor for the War Department and such award accepted by a State.

Mr. HULL. I move to amend by striking out, in line 17, page 24, the word "stores" and inserting in lieu thereof the word "supplies." "Stores" is not a proper word to be used in that connection. "Stores" applies to the Ordnance Department, and "supplies" to the Quartermaster's Department.

The amendment was agreed to.

Mr. HULL. I move further, to amend by striking out the word "stores," in line 21, page 24, and inserting "supplies."

The amendment was agreed to.

Mr. HULL. I am instructed by the committee to offer a further amendment—to insert after the word "million," in line 15, the words "five hundred thousand;" increasing the amount of



this appropriation on account of the provision for returning these quartermaster's supplies to the several States.

The amendment was agreed to.

The Clerk read as follows:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including, also, all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., except quarters for the officers, \$250,000: *Provided*, That for the purpose of improving and repairing the Army and Navy General Hospital at Hot Springs, Ark., and for the reconstructing and refitting the interior of the bath house, for the construction of a boiler house and the purchase of boilers, for establishing ice and electric plants, and for the construction of a reservoir with a capacity of 150,000 gallons, the sum of \$55,000, or so much thereof as may be necessary, of the foregoing may be used, said sum to be expended under the direction of the Secretary of War.

Mr. MAHON. I move to amend by striking out the last word. I want to ask the chairman of the committee how many soldiers there are in this hospital at Hot Springs?

Mr. HULL. I think about 70. The Surgeon-General's report will give the gentleman the exact information. Let me say to the gentleman that the President issued an Executive order admitting to that hospital soldiers discharged from the Volunteer Army.

Mr. MAHON. I want to call the attention of the committee to the construction of this section. The first appropriation is \$250,000. The Secretary of War can apply all that, or nearly all of it, if he sees fit, to this hospital at Hot Springs.

Mr. HULL. Oh, no. The law prohibits the erection of any of these hospitals or buildings at a cost exceeding \$20,000.

Mr. MAHON. A good deal of money is being expended on this institution. If the committee thinks this expenditure absolutely necessary, I will not object. But I want to understand the reason.

Mr. HULL. The report of the Surgeon-General and the papers received from the War Department ask that this appropriation be made.

Mr. MAHON. We are spending a good deal of money on this institution. There is in this bill a specific appropriation of \$55,000 for it. Now, if we need this sort of a hospital to accommodate 60 or 70 men, all right; but at this time, when we are making these enormous appropriations for our armies in the field, these other matters, I think, might wait. Why roll up the amount of this bill by these large appropriations? I move to strike out the whole of this proviso appropriating \$55,000. I think that out of the \$250,000 provided for in the other part of the paragraph there will be enough money for this hospital.

The Clerk read the amendment of Mr. MAHON, as follows:

Strike out all after the word "dollars," in line 5, down to and including the words "Secretary of War," in line 15.

Mr. MAHON. If this hospital needs further expenditure, let it be taken out of the \$250,000 provided for in the rest of the paragraph.

Mr. HAY. I call attention to the fact that this is not an appropriation of \$250,000 for the naval hospital at Hot Springs. It is for construction and repair of hospitals at military posts, and as a matter of fact only \$55,000 of that sum is appropriated for the hospital at Hot Springs.

Mr. MAHON. A few minutes ago the gentleman from Kansas wanted to appropriate something like \$3,000,000 to be expended in his district; and an objection was raised that this appropriation should be distributed according to the discretion of the Department; that it was not proper to pick out any particular institution and appropriate for it specifically.

Mr. HAY. I understood the gentleman from Pennsylvania to say that the whole of this money was for the hospital at Hot Springs.

Mr. MAHON. Let me read:

For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including, also, all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., except quarters for the officers, \$250,000.

The hospital at Hot Springs is thus provided for in the first part of the paragraph; and then you go on and make an additional appropriation—

Mr. HULL. No; we do not.

Mr. HAY. Nobody who understands the English language should put such a construction on this provision—

Mr. MAHON. Now, just wait. The bill reads:

*Provided*, That for the purpose of improving and repairing the Army and Navy General Hospital at Hot Springs, Ark., and for the reconstructing and refitting the interior of the bath house, for the construction of a boiler house and the purchase of boilers, for establishing ice and electric plants, and for the construction of a reservoir with a capacity of 150,000 gallons, the sum of \$55,000, or so much thereof as may be necessary, of the foregoing may be used, said sum to be expended under the direction of the Secretary of War.

Now, you propose that this \$55,000 shall come out of the general appropriation of \$250,000. Is that so, or is that an addition?

Mr. HAY. Fifty-five thousand dollars of the \$250,000 is appropriated for the hospital at Hot Springs.

Mr. MAHON. You appropriated before for a hospital at Hot Springs.

Mr. HAY. The proviso provides how much of that appropriation shall be set apart for that particular hospital.

Mr. MAHON. That is exactly what I am getting at.

Mr. HAY. No; the gentleman said the whole thing was for the one single hospital.

Mr. MAHON. The committee, a short time ago, opposed the setting apart of any portion of a general appropriation for a particular place.

Mr. HAY. I yielded to the gentleman for a question, but I can not yield for a speech.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] has the floor.

Mr. MAHON. I thought I had the floor.

Mr. HAY. Oh, no.

Mr. MAHON. Well, I will take it again.

The CHAIRMAN. Very well; the gentleman can do that when he has the opportunity. The gentleman from Virginia has the floor and yielded for a question.

Mr. MAHON. I had the floor, and the gentleman asked me a question and I yielded.

The CHAIRMAN. Oh, no; the gentleman from Pennsylvania is in error. The gentleman from Virginia had been recognized, and yielded to the gentleman from Pennsylvania for a question.

Mr. MAHON. Well, I will get the floor again.

Mr. HAY. I will yield now for a question, if the gentleman wishes to ask a question.

Mr. MAHON. I want to ask this question: Did you not, a while ago, oppose the taking of any of the \$3,000,000 for buildings at fortifications and applying it specifically to Fort Riley because you said it ought to be left to the discretion of the Secretary? Now, this is a provision that a certain part of the general appropriation for construction and repair of hospitals shall be set apart and used for a particular hospital.

Mr. HAY. Because this is a very different proposition.

Mr. MAHON. Not at all.

Mr. HAY. The committee last year made an appropriation, which it was understood should, a part of it, be for the hospital at Hot Springs, Ark.; but the general law was so worded that the amount which was intended to be used there could not be used. So this is put in this form for the purpose of allowing this sum to be used at Hot Springs. I yield to the gentleman from Iowa, the chairman of the committee.

Mr. HULL. If the gentleman from Pennsylvania will allow me to make a little statement it may simplify the matter. We made an appropriation for hospitals, including the Army and Navy Hospital at Hot Springs, of \$250,000. Now, this is on a different basis to the other, for this reason: There is a law upon the statute books providing that the Department shall not expend to exceed \$20,000 on any one hospital without express authority of law, and this proviso comes in and provides that so much of this \$250,000 shall be expended at Hot Springs. This is on a different basis again, because I have the report here of the Surgeon-General on the proposition, in which he says:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,

January 15, 1900.

Respectfully returned to the honorable the Secretary of War. This bill is based upon an estimate made by the commanding officer of the Army and Navy General Hospital, as shown by the inclosed communication. In my opinion the improvements asked for are necessary, and I recommend approval of the bill.

GEO. M. STERNBERG,

Surgeon-General, United States Army.

WAR DEPARTMENT, January 27, 1900.

Respectfully returned to Hon. J. A. T. HULL, chairman Committee on Military Affairs, House of Representatives, inviting attention to the foregoing indorsement of the Surgeon-General, United States Army, and to the accompanying papers therein referred to.

ELIHU ROOT, Secretary of War.

Last year we started out and put in 70 new cots to make room for the volunteer soldiers that are admitted there. We then gave an appropriation of \$25,000. That has been expended, and the Surgeon-General says this amount is necessary to complete and perfect the hospital. That is all there is of it.

Mr. MAHON. If that hospital is to be opened up to the volunteer soldiers, I have no objection. I know it is a good place, and I am perfectly willing that the money shall go there; but to expend a thousand dollars for every man you have got there, as you have been doing, it appears to me is a pretty expensive business, and that you ought to get more men in there.

Mr. McRAE. I hope the gentleman from Pennsylvania will hear my colleague [Mr. LITTLE] who represents the district in which the city of Hot Springs is located. I am certain he will be able to convince him that this improvement should be made.

Mr. LITTLE. Do I understand the gentleman from Pennsylvania withdraws his objection?

Mr. MAHON. I withdraw the amendment.

Mr. LITTLE. Then I do not care to be heard.



The CHAIRMAN. The amendment is withdrawn, if there be no objection, and the Clerk will read.

The Clerk read as follows:

For the library of the Surgeon-General's Office, including the purchase of necessary books of reference and periodicals, \$10,000; and the disbursing officer of the Medical Department, at Washington, D. C., shall be credited with all payments from the appropriations for the library for the years ending June 30, 1898, June 30, 1899, and June 30, 1900, heretofore or to be hereafter made by him for such publications upon accounts approved by the Surgeon-General.

Mr. McRAE. Mr. Chairman, I reserve a point of order against that paragraph, for the purpose of inquiring what the language means. The language, as I understand it, beginning with line 7, and down to the end of the paragraph, is new, and I confess I do not understand the purpose of it.

Mr. HULL. I have not the testimony taken at the hearings before me, but as I remember it, and the gentleman from Texas [Mr. SLAYDEN] and the gentleman from Virginia [Mr. HAY] will perhaps remember it better than I do, it was simply a question of disbursement; that the disbursing officer was frequently held up until he had the approval of certain other officers, where the matter of fact, the Surgeon-General was the sole judge of the expenditure for books to be placed in the library of his office. I have not paid any particular attention to it because it was a small matter, but it refers entirely to the library of the Surgeon-General.

Mr. McRAE. It seems to me this proposition is to pay for some things that have been already purchased, and which is not allowed under the present law. If that is true, let us know the facts.

Mr. HULL. It is simply a question of the matter of expenditure by the Surgeon-General for books for the library of his office. It can be looked up. My recollection is that the disbursing officer's accounts are held up on account of some technicality as to the disbursement of the fund for the purchase of the books during the years referred to.

Mr. McRAE. Were the committee satisfied that the money had been properly expended?

Mr. HULL. The committee are satisfied on that point.

Mr. SLAYDEN. There is no division in the committee about that.

Mr. McRAE. Then I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

For the purchase of material for use of United States Engineer School and for instruction of engineer troops at Fort Totten, Willets Point, in their special duties as sappers and miners; for land and submarine mines, pontonniers, torpedo drill, and signaling, and for travel expenses of officers on journeys approved by the Chief of Engineers and made for the purpose of instruction, \$1,500.

Mr. McRAE. I desire to reserve a point of order against the last three lines of this paragraph, for the purpose of inquiring why that provision is inserted. I refer to lines 9, 10, and 11, on page 27, reading as follows:

And for travel expenses of officers on journeys approved by the Chief of Engineers and made for the purpose of instruction, \$1,500.

That seems to be new language. I should like to know why it is inserted.

Mr. HULL. Well, as far as I am concerned, I do not remember the details of it. I think we simply followed the Book of Estimates, without any particular discussion of the matter.

Mr. McRAE. I think the gentleman will find that it is entirely new. There ought to be a reason for inserting that language, and unless it can be given it should go out.

Mr. HULL. There has been no amendment talked of relating to that.

Mr. MOODY of Massachusetts. The officers would get their mileage under the law without that provision.

Mr. HULL. But, as I remember it now, this would give them, on that kind of travel, their actual expenses. These officers of the Engineer Corps are sent from one place to another, and where they are sent short distances and then kept at a place for several days before they can complete their investigation and report their mileage does not cover their actual expenses. A man going from Philadelphia to Baltimore, or from Washington to Baltimore, and remaining there for several days on necessary work, would not find his mileage sufficient to pay his actual expenses. The Engineer Corps are a corps by themselves. They have charge of this river and harbor business, and in my judgment this language will give them their actual expenses, when ordered to report, under the language of the bill.

Mr. MOODY of Massachusetts. The same difficulty runs all through the Army service. Officers have to travel upon their mileage and stay away upon duty and subsist upon their pay.

Mr. HULL. This is when they are sent on journeys approved by the Chief of Engineers. The idea is that the mileage account of the officer does not pay the actual expense.

Mr. HAY. If the gentleman from Iowa will permit me for a moment—

Mr. HULL. I do not remember exactly the details of the statement which was made to us on the subject.

Mr. HAY. The object of it was to provide funds for the officers of the engineers to travel for the purpose of instruction, which you will find in the bill, and which heretofore had not been provided, when ordered by the Chief of Engineers to go somewhere and instruct a school. It is exactly the same amount as heretofore appropriated.

Mr. HULL. While the language means that, an officer may be sent to Baltimore, and they have no mileage, and he may have to stay there several days in order to accomplish the actual purposes for which he is ordered there, and it is only done with the approval of the Chief of Engineers. It is in the line of fair dealing with the engineers.

Mr. McRAE. If there is no danger of allowing two expense accounts for the same work, I can see no objection to it; but we know that the Army officers are supplied with transportation and all their expenses are paid. This language has never been carried in appropriation bills before, and I think we ought to have some explanation as to why it is here now. If the gentleman insists on it, however, I shall not make the point, if he will insert the words "actual traveling" instead of the word "travel," so there can be no doubt about what it means.

Mr. MOODY of Massachusetts. I should like to ask the gentleman from Iowa why there is any reason to give a different treatment to the engineer officers in traveling to that given officers of the cavalry and infantry who are traveling for the same purpose? There may be some reason, but it does not appear on the surface.

Mr. HULL. There is a difference in the work. Their work is somewhat the same as private individuals.

Mr. MOODY of Massachusetts. While the paragraph deals with instructions to engineer troops at Willets Point, the travel expense is an expense incurred while traveling for the purpose of instruction. Now, why should the officers of the other arms, having to do the same thing, not have the same provision made for them? If we put this provision in here, the other branches will come and apply for the same thing.

Mr. HULL. If this is placed on here, whenever a member of the Engineer Corps was ordered from here, this would necessarily give him the amount of the actual expenses and will be saving to the Government. The Chief of Engineers in his hearing made no remarks upon that subject at all.

The CHAIRMAN. The Chair understands that the gentleman from Arkansas does not make the point of order.

Mr. McRAE. I said I would withdraw it if the gentleman would insert "actual traveling" for the word "travel."

Mr. MOODY of Massachusetts. I renew the point of order, then.

Mr. HULL. The chairman of the committee is not informed about it so as to combat it, and cares nothing about it. But the committee believed to such an extent in what the Chief of Engineers said, believing that the Corps of Engineers was doing important work, we simply met his recommendation in the matter, and therefore we put in this provision.

Mr. MOODY of Massachusetts. I have not looked up the old law; but I have just spent two hours with the Paymaster-General of the Army or a gentleman from his Department, and am considering the whole law governing the traveling allowances of officers of the Army. This is a departure from the principle heretofore adopted. It seems to me, just fresh from that conference, it would be very unwise for us to do it in the absence of a fuller explanation than the gentleman from Iowa is now prepared to give.

By the present law an officer would be allowed his mileage at 7 cents a mile when he is traveling without troops under orders. Now, then, that is what is given as travel compensation under existing law, and he would have to subsist himself; and the 7 cents a mile is supposed to be sufficient for that purpose. Now, there are very many cases where the distance traveled would be short and the stay at the end of the journey very long, and the mileage by no means compensates the officer. This provision would have to extend to other branches of the service if we begin to make a change in the law here.

Mr. HULL. There is no question in my mind that it is subject to a point of order.

The CHAIRMAN. Then the point of order is sustained, beginning with the word "and," in line 8, down to and including the word "dollars," in line 11.

Mr. HULL. Oh, no; to the word "instruction," in line 10.

The CHAIRMAN. Oh, yes; that is correct.

Mr. HULL. That is all they can raise the point of order to.

The CHAIRMAN. Certainly; the gentleman is correct.

The Clerk, proceeding with the reading of the bill, read as follows:

Ordnance, ordnance stores, and supplies: For manufacture or purchase of metallic ammunition for small arms and ammunition for reloading cartridges, including the cost of targets and material for target practice, ammunition for burials at the National Home for Disabled Volunteer Soldiers and its



several Branches, including National Soldiers' Home in Washington, D. C., and at Soldiers and Sailors' State Homes, and marksmen's medals and insignia for all arms of the service, \$750,000: *Provided*, That hereafter the Chief of Ordnance is authorized to issue such obsolete or condemned ordnance, gun carriages, and ordnance stores as may be needed for ornamental purposes to the Homes for Disabled Volunteer Soldiers, the Homes to pay for transportation and such other expenses as are necessary.

Mr. MOODY of Massachusetts. Mr. Chairman, I desire to ask—

Mr. McRAE. Mr. Chairman, I reserve a point of order.

Mr. MOODY of Massachusetts. I desire to ask, Mr. Chairman, with reference to the language employed in line 13, page 28, whether it is customary to make the appropriation for the purchase as well as the manufacture of small arms and ammunition?

Mr. HULL. I think it is, I am looking for the old bill.

Mr. MOODY of Massachusetts. My information is that this is a departure from the language heretofore employed in this particular appropriation.

Mr. HULL. The gentleman from Massachusetts is right about it.

Mr. MOODY of Massachusetts. I trust the gentleman will strike that out. The evidence before our committee is that the arms manufactured in the Government factories are superior to those manufactured in the private factories, and are cheaper. The experience in our late Spanish war would indicate that we had better continue the manufacture of our own arms and ammunition.

Mr. PARKER of New Jersey. We may be suddenly in need of ammunition. Everybody knows that ammunition is a thing that gets away. If we need it, we ought to have the opportunity to buy it. I can not help speaking about this matter earnestly, because it seems to me that when it is necessary to buy arms and ammunition the Government ought to have the opportunity and the power to do it.

Mr. McRAE. I make the point of order against these words in that paragraph, "or purchase," in line 13, and the words "Soldiers and Sailors' State Homes," wherever they occur, and against the word "hereafter," in line 21. It has been clearly shown in the Committee on Appropriations that we can manufacture ammunition cheaper and better than we can buy it. We have the factories with which to do it, and we ought to do it.

Mr. PARKER of New Jersey. Will the gentleman permit a question?

Mr. McRAE. Certainly.

Mr. PARKER of New Jersey. It is perfectly well understood that we make it when we can. Nobody wants the Government to purchase supplies when it has them; but the Secretary of War can not make ammunition at all times in a sudden emergency, and he ought to have the authority to buy it.

Mr. McRAE. I am not going to suppose an impossibility nor assume any emergency will arise in the next year.

Mr. PARKER of New Jersey. If we shoot it all away in the Philippines and can not get any more immediately, he ought to have the opportunity to buy abroad.

Mr. HULL. Mr. Chairman, this question of striking out the power to purchase these supplies will not be consented to by the committee at least. If the Chair decides that we can not keep it in the bill, we bow to his decision. As the gentleman from New Jersey [Mr. PARKER] very properly says, we ought to have the opportunity to buy supplies when we need them. We did need ammunition terribly only a short time ago. We are using a vast amount of ammunition to-day. If we do not need it, it will not be bought; if our own factories can manufacture it, it will not be purchased; but if the time comes in the next fiscal year when the United States wants to buy ammunition, or has to go without it, it seems to me that we ought to have the right to provide that they can buy it.

Mr. McRAE. If the time comes that we can not manufacture all the ammunition necessary to overcome any force now in the field or that may hereafter assail us, permission can be had to buy it very easily and quickly.

Mr. HULL. Oh, yes; if Congress is in session.

Mr. McRAE. We do not need it now, and I am opposed to giving authority to any officer to buy ammunition in time of peace, when we can make better ammunition in our own factories. We have all the machinery and appliances necessary to make it, and if necessary, build more of them. I believe our success in the last war was due more to the fact that we made our own ammunition and had fresher and better than our foes had. The Spanish Government bought theirs abroad, and a good deal of it was utterly worthless as compared with that used by our men.

Mr. PARKER of New Jersey. Will the gentleman permit another question?

Mr. McRAE. Certainly.

Mr. PARKER of New Jersey. Was not there complaint all through the Spanish war that our soldiers were dying because we had not smokeless powder and ammunition and the enemy had and every shot with our black powder revealed the presence of our troops?

Mr. McRAE. The other fellows did the complaining in the Spanish war, because our men located them; and so it will be in any war when they stand up against American soldiers armed with American guns loaded with material which our factories turn out. I think, Mr. Chairman, these words ought to go out on a point of order.

The CHAIRMAN. The Chair understands the point of order made by the gentleman from Arkansas covers only the words "or purchased," in line 13.

Mr. McRAE. And the words "at Soldiers and Sailors' State Homes," wherever they appear, and the word "hereafter," in line 21. That should make this a permanent law.

The CHAIRMAN. The Chair thinks that a part of the point of order is well taken and a part not. If the gentleman is willing to have the Chair rule upon any part of the paragraph—

Mr. McRAE. Of course, I do not object to that. Each one should stand alone.

The CHAIRMAN. It seems to the Chair that the words "or purchase" are not susceptible to the point of order; and so far as those words are concerned the Chair will overrule the point; but he will sustain the point of order so far as relates to the words "and at Soldiers and Sailors' Homes" and the word "hereafter."

Mr. McRAE. I submit, without appeal, to the ruling of the Chair, and move to amend by striking out the words "or purchase."

Mr. HULL. I sincerely hope that this amendment will not prevail. By no possibility can the language proposed to be stricken out do harm, and it may do a vast amount of good. There is no danger in allowing an officer of this Government to purchase munitions of war which it may be necessary for the Government to have and which it can not manufacture.

So far as I am concerned, I want to say to the gentleman from Arkansas and to this committee that I am in favor of the Government of the United States accumulating a surplus of powder and munitions of war, including metallic ammunition. We went into the last war practically without anything. Our arsenals were bare, our munitions of war absolutely worthless, because Congress had not provided for proper supplies of that kind. I believe that this Government ought to provide small arms; and we have provided for the erection of another plant at Rock Island for the purpose of increasing the supply of small arms.

I believe the Government ought to have not simply the powder it uses from year to year, but a reserve of powder that will enable us to do something effective when war breaks out, without sending our agents scurrying over the world to buy the supplies we need. I hope the gentleman's amendment will not prevail.

Mr. UNDERWOOD. Mr. Chairman, it was stated yesterday in the discussion on this bill that repairs were being made to Government vessels, War Department vessels, at private navy-yards, whilst—and I did not hear the statement contradicted on the floor—whilst the Government navy-yards were working at half time. It was openly stated and charged here that a bill was rendered against the Government for \$8,000 for repairs which ought not to have cost \$2,000.

What is the result? The provision now before us is just in line with that proposition. Whenever you leave questions of this kind open as to whether a private contractor can get these contracts from the Government, you institute at once a lobby here and a lobby at the War Department to take out of the hands of the Government the manufacture or repair of Government material and put that work into the hands of private contractors for political purposes; and that is especially true in the face of a campaign, when by giving out this class of contracts you can probably make votes for the party that controls the giving out of those contracts.

There is no question that the experience of this Government in the manufacture of great guns and in the manufacture of carriages for guns has demonstrated beyond a doubt that these materials can be manufactured better by the Government than by private contractors. When the materials are to be used solely by the Government, when the Government is the sole purchaser, the sole competitor for such materials, it is better for the Government, so far as regards the quality of the material, and also cheaper for us to establish our own factories, as we have done in this case, and carry on the manufacture for ourselves. We have now factories for making powder.

The gentleman from Iowa says that we should carry a supply on hand, and that is the reason he gives for wishing to retain in this paragraph the words "or purchase," because the Government needs to carry a supply of powder. Of course it does; but, sir, the limitation of the appropriation, which in this instance is \$750,000, is a limitation upon the amount of ammunition that we are to keep on hand, whether it be manufactured by the Government or by private contractors. There is nothing to indicate that within the next six months or during the coming recess of Congress we shall have any great or extraordinary demand for powder. We have already established our factories, and they are



prepared to manufacture this powder, and I see no reason why the Department should be authorized to go into the field and give out these contracts, possibly for purposes which if known would not be approved. I hope the amendment will be adopted.

Mr. PARKER of New Jersey. Mr. Chairman, I do not know whether I am regularly in order, because I have already spoken on this amendment; but I desire to ask unanimous consent that I may have, say, ten minutes to answer the objections of the gentleman from Alabama, continuing those of the gentleman from New York, with reference to the transport *Sumner*.

Mr. HULL. I ask unanimous consent that the gentleman may have ten minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from New Jersey [Mr. PARKER] may proceed for ten minutes without interruption. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, we had a very interesting speech yesterday with reference to the transport *Sumner*, a speech which was the more interesting because it was not in the words of the honorable gentleman who introduced the matter [Mr. DRIGGS], but in the words of a newspaper article. We heard of "A palace of the seas is this Army transport. Where and how the Government lavished \$750,000 on the *Sumner*."

In the short time which I have I can not read the whole article over, and I would not if I could; but I want to call attention to the facts in the case as distinguished from the statements made in that article.

The transport *Sumner* was a collier belonging to the Navy. She was transferred to the Army to be changed into a transport, at the sum of \$160,000. The newspaper article says that since that time she has been converted into a floating palace at an expense of over \$750,000.

Fact No. 1. The sum of \$100,000 was paid to the Navy Department for necessary ship work, and her total expense since she was bought from the Navy Department, including that amount, is less than half of the sum mentioned in the article quoted. The total was expended in different places and can not at this moment be exactly stated.

Mr. DALY of New Jersey. What newspaper article are you reading from?

Mr. PARKER of New Jersey. I am reading from the RECORD of yesterday, reprinting an article and statement in the Brooklyn Eagle, read by the gentleman from Brooklyn [Mr. DRIGGS] yesterday. We are told in that statement that the *Sumner* was slightly injured coming up New York Bay and that the expenses of her repair ought not to have been over \$2,000, but that they cost \$8,000, and the criticism is made that she ought to have been sent to a Government dock, where she could have been repaired for not over \$2,500, instead of being sent to the Erie Basin, where the work was done. This brings us to fact No. 2. The actual cost of repairs to the transport *Sumner* at the Erie Basin, New York City, was not \$8,000, but \$1,945, or less than the estimates at which the article says the work should have been done.

Mr. DRIGGS. Will the gentleman yield for a question?

Mr. PARKER of New Jersey. I can not yield. There are a number of different statements of fact in that article which was referred to which are as wholly erroneous as those to which I have referred. If the gentleman wants to know where I got these figures, I will say that I got them from the Quartermaster's Department of the United States Army, where the gentleman [Mr. DRIGGS] should have gone himself before he made these statements, if he had desired to do so.

Mr. FITZGERALD of New York. How much did the gentleman say these affairs cost?

Mr. PARKER of New Jersey. The total will be given when they get all the bills together at the Department. Part of the bills are from the Navy Department and have not come in.

The tumblers and water bottles in the staterooms were referred to as wondrously costly cut glass. The tumblers actually cost 39 cents and the water bottles \$1.25, respectively, at retail, the cost in this case being much less, as they were purchased in a lot.

The fine linen on board was referred to in that article. This is the kind of fine linen that it is. The tablecloths cost 87½ cents a yard; the napkins 23 cents apiece. The sheets cost 47½ cents each, the pillows 14 cents each, and the pillow slips 14½ cents each—ordinary linen and nothing more. We heard again about the engraved frosted glass covering the front doors of these magnificent staterooms. The glass covers for the front doors of the staterooms cost 50 cents apiece and is the ordinary frosted glass used in doors of such character.

We heard about mahogany furniture. Yes, the furniture in the cabins is actually mahogany. It was put in by the Navy, as they always do in their own ships, because mahogany stands sea air better than any other wood; and while the original outlay is greater, it pays better in the end. The tables in the dining room were made by the workmen at the Norfolk Navy-Yard, not by private contract.

A sideboard was referred to. It was described as being at one end of the saloon, about 10 feet long and 3 feet wide, and extending to the ceiling with "great beveled-edged French plate mirrors, costing \$1,500." The fact is that the sideboard was built and put in by the Navy Department, and the three mirrors cost all together \$12.50 instead of \$1,500. The largest mirror on the stairs cost \$35.

We heard a great deal about \$8,000 worth of silverware in that sideboard. There is not one piece of silverware aboard the ships. It is simply plated ware throughout, and the total silver plate for soldiers, officers, and everybody on board ship—not merely on the sideboard, but all through the ship—cost \$1,298.99 instead of the \$8,000 stated to be the cost of the silverware in the sideboard alone.

We heard of wonderful velvet carpet. We heard about costly rugs. The carpets on board that ship are the ordinary body Brussels carpet, costing \$1.10 a yard, and the rugs are ordinary Smyrna rugs, averaging \$10 apiece.

We heard of wonderful bathrooms and porcelain tubs. We all know something about the cost of plumbing. The entire plumbing aboard the ship, including everything, bathrooms, bath tubs, shower baths, washstands, and all pipings and fixtures for officers, soldiers, crew, and hospital, cost \$12,983.81. The average cost per bathroom, including all fittings, was \$354.96.

Mr. DRIGGS. I did not quite understand the gentleman's figures as to that item.

Mr. PARKER of New Jersey. The whole plumbing throughout the ship was under \$13,000. The average cost per bathroom was \$354.96.

Mr. DRIGGS. Is that bill itemized?

Mr. PARKER of New Jersey. Yes; I have got some items here. I will hand the list to the gentleman when I have finished my statement or I will put it in the RECORD. They talk about tiling on the bathroom floors. Yes, there is tiling on the bathroom floors, because it is the only material that resists water and rust together. It costs 60 cents per square foot and is the only kind of material that should be used in such places.

They talk about bunks. Oh, yes; "each man will be given a berth, a sleeping place arranged on galvanized frames," as if that was too much to give them. Berths are better than hammocks as used in the Navy, for they can put more men in a given space and they are more comfortable. They cost \$6.50 per bed, while the cost of the Navy hammock, with pads and half stands, which would be necessary, averages \$6.63 per man. So the berths were cheaper as well as better.

Then we come to the automatic egg boiler, which it is said cost \$75. It actually did cost \$60, and the quartermaster reports that, with the large amount of cooking which is necessary to be done for the different messes, it is an essential and not absolutely or relatively a costly article.

Mr. Chairman, why do we not get facts instead of imagination?

Mr. OTEY. Will the gentleman answer a question?

Mr. PARKER of New Jersey. I will, with pleasure, if I can.

Mr. OTEY. How many eggs will that thing boil at a time? [Laughter.]

Mr. PARKER of New Jersey. I can hardly answer that.

Mr. OTEY. Is it for the officers or for the men?

Mr. PARKER of New Jersey. It is for the officers and men both. The statement of the Quartermaster is that with the large amount of cooking that is necessary to be done for the different messes it is necessary. It is for all the officers and men, as I understand it.

Mr. OTEY. But do you know how many eggs it will boil at once?

Mr. PARKER of New Jersey. No; I am not an expert in boiling eggs. Why do not gentlemen get the facts? The Quartermaster's Department is accused of extravagance, and the statement is repeated here without any investigation. It is said that the sum of \$750,000 was expended in changing a transport, in non-essentials, and the proof is that the bulk of the changes were made in our own navy-yards, as our own ships are built, and, thank God, all men—Democrats and Republicans—since Manila, now stand by the Navy, and know that honest work is done there. [Applause.] The rest of the work was not done in the navy-yards because it could not be done there. These are the facts as to the fitting up of this transport to carry so many soldiers, so as to give them comfort in large numbers in a hot climate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER of New Jersey. I will simply ask to insert this statement in the RECORD.

The statement is as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,  
Washington, March 28, 1900.

MY DEAR MR. PARKER: The inclosed list will give you practically what you wish. I have been unable to get as yet from the Navy the total expense for the repairs to the *Sumner* at the Norfolk Navy-Yard, but as soon as they



can obtain a reply from a telegram sent to Norfolk Navy-Yard I will send the amount up to you.

Very sincerely,

J. B. BELLINGER,

Major and Quartermaster, U. S. V.

Hon. RICHARD WAYNE PARKER,

House of Representatives, Washington, D. C.

1. The cost of the repairs to the transport *Sumner* at Erie Basin, New York City, was not \$8,000, but was \$1,945.
  2. The tumblers and water bottles in the staterooms were included in a sum-total bid for all crockery, but can be bought at retail for 39 cents and \$1.25, respectively, the cost being much less, of course, purchased in the lot.
  3. The linen on board is of good quality, but is not the best, the cost of same being as follows: Tablecloths, 87½ cents a yard; napkins, 22 cents each; sheets, 47½ cents each; pillows, 14 cents each, and pillowslips, 14½ cents each.
  4. The glass covers for the front doors of the staterooms cost 50 cents apiece, and is the ordinary frosted glass used in doors of such character.
  5. The tables in the dining room were made by the workmen at the Norfolk Navy-Yard, and the exact cost is not known.
  6. The chairs are the standard chairs used in all ocean-going steamers, and cost \$20, instead of \$15. In this connection it would be advisable to call attention to the fact that all ships carrying passengers are fitted up with mahogany, simply because it stands the sea air better than any other woods; and while the original outlay is a little greater, it is the cheapest in the end, as it takes a great deal less labor to keep it polished and lasts much longer than other woods.
  7. There are three mirrors in the sideboard, the total cost of the three being \$12.50, instead of \$1,500. The large mirror at the head of the stairway cost \$35.
  8. There is no silverware on board the ship. It is simply plated ware, and the total silver plate on board the ship costs \$1,298.99, instead of \$8,000, as stated for the silverware on the sideboard alone.
  9. The carpets are ordinary body Brussels carpets, and cost \$1.10 per yard. The rugs are the ordinary Smyrna rugs, and average \$10 each.
  10. The entire plumbing aboard the ship, including everything, bathrooms, bath tubs, shower baths, washstands, all piping, and all fixtures for officers, soldiers, and crew, cost but \$12,983.81. The average cost per bathroom (as given in the inclosed slip) is \$354.99. Shower baths cost \$5 each. The washstands in the corner of the staterooms cost \$18. Nickel-plated brass is found to be the cheapest thing to use in this work, as it wears much better and costs less in labor to keep it in proper condition. The bath tubs cost, approximately, \$125 each, instead of \$200.
  11. The automatic egg boiler cost \$60, and with the large amount of cooking which is necessary to be done for the different messes is an essential and is not an absolutely or relatively costly article.
  12. The flooring of all bathrooms, shower baths, butcher shops, kitchens, and other places which are continually covered with water are of tile or a composition of cement, and cost 60 cents per square foot. You can readily see that this is the only kind of material that should be used in such places, as wood would rot and iron would rust.
  13. Bunks are substituted instead of hammocks as used in the Navy, as they permit of carrying more men, and they take up less space and are more comfortable. These bunks cost \$8.50 per bed; the cost of the Navy hammock, with pads and one-half standee, which would be necessary, averages \$6.63 per man.
- The following is a list of the articles installed in bathroom No. 1 on the Army transport *Sumner*, at a cost of \$354.99, which was the most costly of any of the bathrooms on the ship, viz:
- Imperial porcelain roll rim "Granada" bath, 4 feet 6 inches, Class A, finished outside white, with 3 gold lines, plate 13-Y; N. P. Unique waste; N. P. high bell supply, clamps as 14-Y; H. P. Security heater; Imperial porcelain lavatory, Class A, 20 inches by 20 inches, plate 306-Y; H. P. brass leg; N. P. soap cup, plug, coupling, stopper, and chain; N. P. trap to deck, plate 386-Y, fitted with single N. P. Mott's patent self-closing basin faucet, plate 373-Y; 1 N. P. shower, with white-duck curtains, chain, and cock; N. P. connections from heater to shower and bath; beveled plate-glass mirror with N. P. frame, 20 inches by 24 inches; N. P. brass comb and brush holder, plate 220-Y; N. P. brass combination towel shelf and rack, 20 inches long, 6 inches wide, plate 212-Y; N. P. brass sponge holder, plate 216-Y; vitro-adamant soap dish, with N. P. brass holder, plate 223-Y; 2 brass hand rails, lengths 1 foot 10 inches, diameter 1 inch, as per plate 255-Y; N. P. paper holder for roll paper, plate 269-Y; 1 Oregon water-closet, same as previously described."

Mr. FITZGERALD of New York. Will the gentleman allow a question?

Mr. DRIGGS rose.

Mr. FITZGERALD of New York. I ask that the time of the gentleman from New Jersey may be extended in order to answer a question.

The CHAIRMAN. The gentleman from New York [Mr. DRIGGS] is recognized.

Mr. FITZGERALD of New York. I will ask the gentleman if he will answer a question.

The CHAIRMAN. The gentleman from New York [Mr. DRIGGS] has the floor.

Mr. FITZGERALD of New York. Will you answer a question? I will ask you if you are ready to join us in the movement to build the ships in the navy-yards, as you say it is a saving?

Mr. DRIGGS. Mr. Chairman, I did not have the felicity of listening to the remarks of the gentleman from New Jersey at the outset, but in the very melodious tones of his voice I heard a number of statements resounding over this side of the House. I understood in the commencement of his remarks he accused me of having made a misstatement.

Mr. PARKER of New Jersey. Oh, no, sir; if I made any statement that seemed like that I shall take it back. The gentleman simply asked a question, but a rather long one.

Mr. DRIGGS. All right, then; we will consider that a "closed incident." I noticed among the various items that he read, which I understand have been sent him this morning from the Quartermaster's Department, one little item of \$12,000—a mere bagatelle, of course—for plumbing of that ship.

Mr. PARKER of New Jersey. You desire me to answer. I went this morning to the Quartermaster-General's Office and he

was not there. They had not heard of what was said here yesterday, and before leaving the Department I asked Major Bellinger, assistant quartermaster-general, who had charge of the transport service, to find out the facts and investigate the items in that matter. The expenses were incurred, as the gentleman will notice and will know, in New York, as to matters in these items that were not done in the navy-yard. All that could be done was to telephone to New York to ascertain the accuracy or inaccuracy of the figures given and specific charges made in that newspaper article. The gentleman could have found out as to their accuracy, or, rather, as to their want of accuracy, if the gentleman had taken the pains to talk with the Secretary of War or the Quartermaster-General and to make the same inquiry he could have found out.

Mr. DRIGGS. I decline to yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. DRIGGS. Mr. Chairman, in my introductory remarks yesterday I said that this is a matter of so great importance that we should know something about it, and this morning I have introduced a resolution authorizing the Speaker of the House of Representatives to appoint a committee of nine members of this House to investigate the entire transport service of the United States. It has been a well-known fact to every citizen of the city of New York, where many of these transports have come from time to time, and where many of them from time to time have been visited by our people, that there was something wrong in the transport service of the United States; and when this article appeared in the Brooklyn Daily Eagle I realized that where there is some smoke there must be some fire.

Mr. PARKER of New Jersey. Does the gentleman repeat that? Does he mean to say now that there is some fire in this matter?

Mr. DRIGGS. I say there is fire until I am convinced that there was something wrong in that article.

Mr. PARKER of New Jersey. The gentleman said that he made no statement yesterday, but merely read an article.

Mr. DRIGGS. Oh, no; I said yesterday, in answer to the gentleman from Indiana, that I proposed to stand by every statement made in that newspaper article until it was proved to my satisfaction and the satisfaction of my constituents that those statements were false, and I do not think that the article you have brought in here from the Quartermaster-General's Office absolutely refutes the statement made here. You may say that some of these glasses have not cost so much, or some of this other cut glass may not have cost so much. But here is a specific charge of these people that the mirror cost \$1,500. I do not care about little ground-glass windows in front of the door. Where is your answer to that?

Mr. PARKER of New Jersey. I will tell you where the answer is. The mirrors on the sideboard cost \$12.50, and the biggest mirror on board, at the head of the stairs, \$35. How can you answer that? If the Department is to spend its time giving responses to articles such as that, they will never get through.

Mr. DRIGGS. I desire to be fair, and I think the gentleman is trying to be fair, and these charges are very serious.

Mr. PARKER of New Jersey. I understood you to say you did not make a charge yesterday, and here you say you stand by the charge.

Mr. DRIGGS. I did, through the newspaper article, make the charges yesterday, and I stand by them despite all that the gentleman from New Jersey may say, and, whatever the article he has brought in here this morning, I will stand by the article that I introduced until it is absolutely proved to be untrue; but I desire to state to this House that there is altogether too much truckling to the idea of a Department saying what members of this House should do. We should go on and demand an investigation, and obtain the absolute facts as they really are; not that I am saying that the statements of the gentleman from New Jersey are false, or the reports that have come from the Quartermaster's Department this morning are false. The taxpayers are paying the freight, and should have the benefit of a thorough investigation.

But I do contend that in that item of \$12,000 for plumbing there is plenty of room for \$200 bath tubs and all such appurtenances as that.

Mr. Chairman, if we have not the right to investigate into a system and service which is notoriously bad, I would like to know where under the sun we can make an investigation.

The CHAIRMAN. The time of the gentleman has expired. Debate on the amendment is exhausted.

Mr. McRAE. Mr. Chairman, I would like to be heard upon this amendment.

Mr. HULL. There is another amendment before the House.

The CHAIRMAN. The amendment before the House is to strike out the words "or purchase."

Mr. HULL. I ask unanimous consent that the gentleman from Arkansas may have five minutes in which to discuss the amendment.

The CHAIRMAN. The gentleman from Iowa asks unanimous



consent that the gentleman from Arkansas may have five minutes to discuss the amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. McRAE. Mr. Chairman, all of this debate about the *Sumner* shows the necessity of the Government making its own ammunition and building its own ships, as far as possible. You will find abuses running all through the Departments under all Administrations. I have no special charge to make against any one about purchasing ammunition at this time. They are likely to exist in any Administration if you give them the power sought to be given now. Pressure will be so strong that ordinary men can not resist it. Every transport, every vessel that could be sold at all, was bought by the Government in 1898, whether it could be used to advantage or not.

In the hurrah and excitement of war men who had something to sell came, one after another, and made the life of those who controlled the Executive Departments a burden until they sold. If you give them the power to purchase ammunition for small arms, as is authorized by this bill, I predict that it will not be three months before the Government shops will be running on short time and the men standing idle, and all the refuse ammunition of this country will be dumped on the Government, kept a few years, and then condemned as worthless. Every man who has investigated this question knows that you can not keep powder within a short distance of salt water without its deteriorating in strength.

I remember that just before the Spanish war certain civilians, and even some in high military authority, insisted that we should have on hand as much as 200 rounds of ammunition. The gentleman then in charge of the Ordnance Department, one of the most conscientious and capable officers that ever served the Government, General Flagler, said, with a cool, soldier-like courage, that it was unnecessary; that we could not keep such a quantity without its deteriorating; that there was no necessity for it anyway. He explained that with our superior guns, accurate marksmanship, and strong powder we did not need 200 rounds. He said that no enemy and no ship of any enemy on the face of the earth could venture within range of our guns and stand against them for even ten shots. The engagements both upon land and sea proved the truth of every word he uttered.

Under the judgment of that gentleman that war was prosecuted successfully. He furnished plenty of good ammunition, the most of it made by the Government. Why do we need authority to purchase now when we are practically at peace? When we only have a little insurrection in the Philippine Islands there is no necessity for going beyond the capacity of our own factories, where we can get the best ammunition in the world for less money than we can purchase it. Believing this as I do, I hope that the committee will vote out these two words, "or purchase," so that the Government can go on manufacturing its own ammunition, at least until some necessity arises for more than we can manufacture, and thus give employment to our own employees.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas [Mr. McRAE].

The question was taken; and on a division (demanded by Mr. HULL) there were 76 ayes and 65 noes.

Mr. HULL. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Arkansas [Mr. McRAE] and the gentleman from Iowa [Mr. HULL] will take their places as tellers.

The question was taken; and the tellers reported 73 ayes and 85 noes.

So the amendment was rejected.

Mr. STEELE. Mr. Chairman, before that paragraph is passed I desire to offer an amendment.

The Clerk read as follows:

On page 29, after the word "transportation," insert the following: "out of any appropriation for transportation now made."

Mr. STEELE. There is no objection to that on the part of the chairman of the committee.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, D. C., and State Soldiers and Sailors' Homes, including material for cartridges, bags, and so forth, \$25,000.

Mr. McRAE. Mr. Chairman, I make the point of order against the words "State Soldiers and Sailors' Homes," in the twentieth line. It seems to me that these State institutions ought to be kept separate from and not to be mixed up with like homes owned and supported by the Government.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Hereafter all volunteer officers and soldiers who served in the United States Army, Regular or Volunteer, during the late war with Spain, and all

who served, or shall serve, in the Philippine Islands, shall be admitted to the benefits of the National Home for Disabled Volunteer Soldiers on the same terms and conditions as officers and soldiers who served in the late war for the suppression of the rebellion from 1861 to 1865: *Provided*, That the provisions of this act shall apply for the payment of volunteers as fully as though they formed part of the Regular Army.

Mr. HULL. I move to amend the paragraph just read by striking out lines 7 to 14, inclusive, and inserting before the word "*Provided*," in line 15, the following:

Hereafter the following persons only shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto upon the order of three of the Board of Managers, namely: All honorably discharged officers, soldiers, and sailors who served in the regular or volunteer forces of the United States, who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of such disability are incapable of earning their living; and such of these as have neither wife, child, nor parent depending on them, on becoming members of this Home or receiving relief therefrom shall assign thereto their pensions, when required by the Board of Managers, during the time they shall remain therein.

Mr. STEELE. I desire to reserve a point of order on this amendment.

Mr. HULL. The only change which my amendment proposes in the existing law is to strike out of the law the words "war of 1812, the Mexican war, and the civil war" and to insert "all wars." The rest of the amendment is now existing law. Under this amendment men who served in the Mexican war can be admitted to the Home even if they served in the Confederate army. The amendment removes that restriction. It puts the whole question of admission into the hands of the Board of Managers.

It strikes out that part of the present law which gives the President the right on his own motion to admit without any regard to the Board of Managers. It covers all wars in which the Government of the United States has been engaged. The original proposition submitted by the committee was limited to those who served in the Spanish war and in the Philippines. This broadens the provision so that the Board of Managers shall have complete jurisdiction of this matter of admission.

Mr. TONGUE. Does this include soldiers who served in the Indian wars?

Mr. HULL. I should say that it included all persons who actually served in such wars.

Mr. STEELE. I should like to have the provision confined to those who have served in the Regular or Volunteer Army of the United States.

Mr. HULL. That is the provision of the amendment already.

Mr. STEELE. I do not think so. It uses, I believe, the words "all wars."

Mr. HULL. The language is, "who served in the regular or volunteer forces of the United States, who are disabled," etc.

Mr. STEELE. Then I have no objection.

The CHAIRMAN. As the Chair understands, the gentleman from Indiana does not press the point of order.

Mr. STEELE. No; I withdraw it.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I move to amend by striking out the last word. What I am about to say I have deferred until the bill is practically completed, because I did not wish to delay its passage. I desire, however, to call the attention of the House to the inadequate and unfair provision now existing in the matter of chaplaincies in the Army. As is well known, a large number, if not a majority, of the soldiers in the Army at the present time who belong to any church are members of the Catholic Church, and yet of 34 chaplains who hold commissions at the present time only 4 are members of that faith. This matter was emphasized anew yesterday when I read an article which appeared in one of the New York dailies stating—and I presume the story is true—that a priest who was sent for by a sick soldier was denied admission to one of the forts at Bay Ridge, Long Island.

While an amendment such as I should like to offer is not in order at this time, I think it proper to call attention to this condition of affairs, so that the Committee on Military Affairs may see the necessity of presenting to the House some legislation which will remedy the evil in this case. It seems to me that when so large a proportion of the soldiers of the Army belong to a particular religious faith that this church ought to be recognized more in the matter of appointments of chaplains. It is a well-established truth that in case of serious sickness the members of the Catholic Church desire the attendance of a clergyman.

How impossible it is to bring this condition of affairs about in the Army is easily seen when the proportions quoted above are realized. I realize how impossible it is to appoint chaplains in the Army so that all religious beliefs can be recognized. I do think, however, where there is and will continue to be such a large representation of members of the Catholic Church in the service of the United States, and where the teachings of that church require the presence of a clergyman in cases of dangerous illness, that a larger proportion of Catholic clergy should receive commissions.



The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. MEYER of Louisiana. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add, after line 17, on page 30, the following:

"Provided, That the provisions for extra pay embraced in the act entitled 'An act granting extra pay to officers and enlisted men of the United States Volunteers (Public, No. 114) be extended to officers and enlisted men with creditable record who resigned or were honorably discharged prior to the formal muster out of the commands to which they were attached, and whose length of service was not less than six months.'"

Mr. HULL. I raise the point of order to that, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. HEDGE. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert, before line 15, on page 30, the following:

"That all honorably discharged officers and enlisted men of the Volunteer Army of the United States who served in the recent Spanish-American war and who received no furlough prior to being mustered out, or at the time of mustering out no extra pay in lieu of such furlough, and who have been paid no extra pay under the provisions of the acts of January 12 and of March 3, 1899, be now paid one month's extra pay if they served within the limits of the United States, and two months' extra pay if they served beyond the limits of the United States."

Mr. CANNON. I will reserve the point of order until I find out what this is. It may be very proper.

The CHAIRMAN. The gentleman from Illinois reserves the point of order. The gentleman from Iowa.

Mr. HEDGE. Mr. Chairman, this amendment is offered to fill an omission in two statutes passed about a year ago, referred to in my amendment, January 12, 1899, and March 3, 1899, which provided that soldiers who were honorably serving should have either a furlough or one month's pay. This furlough or one month's pay was given to all the soldiers of the Spanish war who were subsequently mustered out.

I have been informed by the gentleman from Illinois, who offered that statute of January 12, that it was supposed at that time that that covered all cases, but as a matter of fact two regiments from the State of New York, as will appear from a statement by the gentleman from New York [Mr. CLAYTON], and two batteries from Iowa, were not included, although all the other conditions were just the same and the intention was to cover all such soldiers. I do not think there are any other soldiers who are excluded from the benefits of the law of January 12 and March 3 except the two Iowa batteries and the New York regiments that I have referred to. I think that with a full knowledge of the facts there will be no objection to this amendment, because it puts these soldiers on an equal footing with other honorably discharged soldiers who served in the Spanish war.

Mr. CLAYTON of New York. Mr. Chairman, this amendment offered by the gentleman from Iowa [Mr. HEDGE] is practically the same as a bill that I introduced some time ago to put the discharged officers and men of the Twenty-second Regiment of New York and the First Volunteer Cavalry, known as the Rough Riders, on the same footing with reference to this extra pay as were the other volunteers during the Spanish war. At first it was decided, and I believe according to law, that when these troops returned to the United States they should have this furlough previous to being mustered out, but it afterwards became the custom to muster them out immediately.

Now, Congress passed the law of January 12, 1899, giving those who were mustered out immediately a month's pay in lieu of that furlough; but before this act was passed two regiments, one or two batteries, and a few staff officers had been mustered out of the service, so that they did not come under the provisions of that act. This amendment simply extends to those who were mustered out before the passage of the act the same privileges that were granted to those who were mustered out after the passage of the act. And, as stated by the gentleman from Iowa [Mr. HEDGE], it only includes two regiments, a few staff officers, and two other separate organizations—batteries, I believe—small organizations. I think the amendment ought to pass as a matter of justice, to put them all on the same plane.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] withdraw his point of order?

Mr. PAYNE. The gentleman from Illinois was called out of the Hall, but he requested me to withdraw the point of order for him.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. HEDGE].

Mr. MAHON. I renew the point of order.

The CHAIRMAN. The gentleman from Pennsylvania renews the point of order. Will the gentleman from Iowa inform the Chair if there is any question that this is a new provision?

Mr. HULL. It is a new provision.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HULL. Now, Mr. Chairman, on yesterday we passed over certain provisions of the bill.

The CHAIRMAN. We first passed over the provisions on page 6, to which the gentleman from Arkansas [Mr. McRAE] raised a point of order against the first three sections, covering lines 3 to 8, inclusive.

Mr. McRAE. The Chair does not quite state the full scope of my point of order.

The CHAIRMAN. The Chair will ask the gentleman from Arkansas to make a full statement.

Mr. McRAE. The point of order was to each paragraph, beginning with line 3, down to and including line 16.

The CHAIRMAN. The gentleman contemplated covering that entire section by his point of order?

Mr. McRAE. Not by one point of order, but by a point of order against each paragraph. That was the understanding when that was passed over.

The CHAIRMAN. Very well. When the matter was passed over temporarily yesterday the Chair had sent for the volume of Opinions of the Attorneys-General of the United States, in order to look at an opinion that was given by the Attorney-General some years since in reference to what was covered by the expression "Executive Departments." The Chair is informed that this opinion was not presented to the gentleman from Illinois last year when he made the ruling to which reference was made by the gentleman from Iowa and by the Chair yesterday. That opinion, in part, reads as follows:

The several Executive Departments are by law established at the seat of government; they have no existence elsewhere. Only those bureaus and offices can be deemed bureaus or offices in any of these Departments which are constituted such by the law of its organization. The Department, with its bureaus or offices, is in contemplation of the law an establishment distinct from the branches of the public service and the offices thereof which are under its supervision. Thus, the office of postmaster or of collector of internal revenue or of pension agents or of consuls is not properly a departmental office—not an office in the Department having supervision over the branch of the public service to which it belongs. True, an official relation exists here between the office and the Department, one, moreover, of subordination of the former to the latter; but this does not make the office a part of the Department.

In view of that opinion of the Attorney-General, which, as the Chair before stated, he understands was not called to the attention of the gentleman from Illinois when he made the ruling last year, it seems perfectly clear to the Chair that this provision, so far as it changes last year's appropriation bill, is susceptible to the point of order, and therefore the Chair sustains the point of order.

Mr. HULL. I understand, then, from the decision of the Chair, that all that part of the bill, commencing with line 3 and ending with line 18, is out of the bill.

The CHAIRMAN. Yes; all that is out of the bill.

Mr. HULL. Then I offer the following amendment, which is an exact copy of the law of last year.

The CHAIRMAN. The gentleman from Iowa offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Insert in lieu of lines 3 to 18, inclusive, on page 6, the following:

"Thirty clerks, at \$1,400 each per annum, \$42,000.  
"Sixty clerks, at \$1,200 each per annum, \$72,000.  
"One hundred clerks, at \$1,000 each per annum, \$100,000.  
"Sixty-eight messengers, at \$720 each per annum, \$48,960.  
"In all, \$262,960."

The amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, on page 12, in regard to mileage of officers—that was passed over also on the point of order reserved by the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Chairman, I have examined with great care the substitute proposed by the gentleman from Iowa [Mr. HULL] to the paragraph under consideration. I have examined it in connection with some officials from the Pay Department. There are two changes of law in it, one, I think, clearly in the interest of orderly administration and not against the interests of the Treasury, and the other in the interest of orderly administration and of economy. For that reason I withdraw the point of order which I made, and shall offer an amendment to the substitute proposed by the gentleman from Iowa, to which, I believe, he will have no objection.

The CHAIRMAN. The point of order is withdrawn, and the gentleman from Iowa—

Mr. McRAE. I do not want to consider it as lost until the gentleman from Iowa accepts the amendment.

Mr. HULL. Oh, I have already done that.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

In line 7 of the amendment as printed in the RECORD on page 3666, after the word "war," insert the following: "which computed distance shall in no instance exceed the distance over the shortest usually traveled route between given points."



Mr. HULL. I hope that amendment will be adopted. The amendment was agreed to.

Mr. HULL. Now, going back to the original law and finding the exact language of the last bill, I move to strike out, in the first line, the word "traveling," and out of the second line the words "on duty under orders without troops" and to insert the words "authorized by law."

Mr. MOODY of Massachusetts. That makes it the same as the last year's law.

Mr. HULL. So that it will read:

For mileage to officers and contract surgeons, when authorized by law, \$500,000.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 12, lines 13, 14, and 15, strike out the words "when traveling on duty under orders without troops" and insert in lieu thereof "when authorized by law."

The amendment was agreed to.

Mr. HULL. The amendment as amended is now before the committee.

The CHAIRMAN. Has the gentleman another amendment?

Mr. HULL. No, sir; it is the substitute.

Mr. MOODY of Massachusetts. The amendment I offered is an amendment to the substitute, and that substitute has not been submitted to the committee.

Mr. HULL. The original substitute has not been adopted.

The CHAIRMAN. The question is, then, upon the amendment offered by the gentleman from Iowa on yesterday.

Mr. HULL. Yes, sir.

The CHAIRMAN. The Clerk will again report that amendment, having now been amended by the amendment of the gentleman from Massachusetts.

The Clerk read as follows:

Pages 12, 13, and 14, strike out all after the word "Provided," in line 15, on page 12, down to and including the word "road," in line 4, page 14, and insert in lieu thereof the following:

"That officers so traveling shall be paid 7 cents per mile and no more; distances to be computed and mileage to be paid over the shortest usually traveled routes, with deduction as hereinafter provided for such portion of any route as may be over a subsidized railroad; and payment and settlement of mileage accounts of officers shall be made according to distances computed over routes established and by mileage tables prepared by the Paymaster-General of the Army, under the direction of the Secretary of War, which computed distance shall in no instance exceed the distance over the shortest usually traveled route between given points, and all payments made by paymasters on account of mileage previous to the passage of this act shall be settled in accordance with distance tables officially promulgated and in use at date of payment: *Provided further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation requests for the entire journey under their orders; and the cost of the through ticket between the points traveled shall be a charge against the officer's mileage account, to be deducted by the paymaster paying the same and turned over to an authorized officer of the Quartermaster's Department: *And provided further*, That when the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, or over the railroad of any railroad company which by law is entitled to receive only 50 per cent of the compensation earned by such company for transportation services rendered the United States, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests by the Quartermaster's Department, and the cost of the transportation so furnished shall be a charge against the officers' mileage accounts for such travel, to be deducted by the paymaster who pays the accounts, at through rates as paid by the general public for such travel as a part of the through journey under their orders: *And provided further*, That actual expenses only shall be paid to officers for sea travel when traveling, as herein provided for, to, from, or between our island possessions."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HEDGE. Mr. Chairman, I now ask unanimous consent to return to the consideration of the amendment offered by me a few moments ago.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to return to the amendment offered by him a few moments ago. Is there objection? [After a pause.] The Chair hears none.

Mr. HEDGE. I offer that amendment, and I understand that there is no objection to it.

The CHAIRMAN. The gentleman from Iowa again offers the amendment which the Clerk will report.

The Clerk read as follows:

That all honorably discharged officers and enlisted men of the Volunteer Army of the United States who served in the recent Spanish American war and who received no furlough prior to being mustered out, or at the time of mustering out no extra pay in lieu of such furlough, and who have been paid no extra pay under the provisions of the acts of January 12, and of March 3, 1899, be now paid one month's extra pay if they served within the limits of the United States, and two months' extra pay if they served beyond the limits of the United States.

Mr. MAHON. Mr. Chairman, I will not raise the point of order against that amendment now, and the reason I did so before was that the bill was sent to the Committee on War Claims, where it

properly belongs. We had a hearing on it of the gentleman who introduced it, and spent two or three hours' labor on it in making a favorable report; and when I put it in the basket, to my surprise I was informed that by unanimous consent, asked for by the Committee on Military Affairs, the bill had been referred to the Committee on Military Affairs. This bill, I could point out to the gentlemen of that committee, contained many items that under the rules of this House did not belong to the Committee on Military Affairs.

In other words, every claim growing out of any war that had no existing law at the time goes to that committee. But I did not object. I want to serve notice now that if any bill goes to that committee and that committee takes action on it—because I, as chairman of that committee, have been informed that no unanimous consent would be given to the War Claims Committee or the Claims Committee to pass any bill through this session, and I am making no objection to it. But I propose, as chairman of that committee, to state that no other bill over which that committee has got jurisdiction shall hereafter be slipped through this House on any appropriation bill, especially when that bill is here and the chairman of another committee knows the committee have possession of it. I expect that courtesy shall be given to me before a change of reference is asked. I do not raise any objection in this case.

Mr. HULL. I want to say to the gentleman that he is entirely mistaken as to his committee having any right to this bill. It is not a claim. The law passed by Congress gives certain parties a certain amount of money. Now, if it had given them that and the law had expired, they could have gone to the Committee on Claims and filed a claim; but there never was a law upon the statute books to give these men any compensation whatever. And unless we pass a law there is absolutely no claim that could be made against the Government. They might say that in equity they ought to have it.

The Committee on Military Affairs had the original claim. We gave the two months' extra pay. That committee passed a bill to give the two months' extra pay, and I want to say to gentlemen on the Committee on War Claims that we are not hunting legislation that does not belong to us; but we do believe that in every case where a law must first be passed before a claim can be made the jurisdiction, under the rules of the House, is in the Committee on Military Affairs and not in the Committee on War Claims.

I want to say further to the gentleman from Pennsylvania that, as chairman of the committee, I called the attention of the Speaker to the wrong reference of that bill. It was not a claim; it was asking the enactment of a law to give parties, not named, but parties occupying certain positions before the country, compensation for services that would equalize their pay with the pay of others that had already been provided for by the Committee on Military Affairs. It could not belong to the Committee on War Claims, because there was nothing in it that would make a claim. If a man in the Rough Riders had filed a claim against the Government, it would have gone to the Committee on Claims; but neither the colonel nor the privates did it; but they did send in a bill here asking that they should be put on a level with the other troops. I submitted the request to the committee, and the Speaker of the House submitted the request for unanimous consent, which was given, for the change of reference.

Mr. MAHON. Mr. Chairman, that committee has charge of every claim growing out of the war. That is the rule of this House now. These men were mustered out before that law was passed. They made a demand for this extra pay, and that was referred properly, and the Speaker referred it to the House for unanimous consent. That committee is loaded with bills to pay expenses for the burial of soldiers after they are taken home. I will not discuss this any further, but I shall insist upon the rules of this House being enforced in reference to the War Claims Committee. If I find a claim of this kind trying to be passed through the House on an appropriation bill I will make a point of order against it.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

In the second line of the proposed amendment, after the words "Volunteer Army of the United States," insert the words "or members of the Regular Army."

Mr. HULL. I object to that, Mr. Chairman. We have already provided for that.

Mr. FITZGERALD of Massachusetts. The law already provides for volunteers, but this is to appropriate for the men mustered out of the Regular Army before the law went into effect.

Mr. HULL. The amendment offered by the gentleman from Massachusetts provided for soldiers of the Regular Army mustered



out either before or after the passage of the law who enlisted for a war with Spain only.

Mr. FITZGERALD of Massachusetts. I believe the law applied to those men mustered out of service after the enactment of the law. This amendment will not only apply to the men mustered out after but before the enactment of the law.

Mr. HULL. I think that is covered now. It provides for those that enlisted for the war only, and that is all that ought to be covered by it.

Mr. FITZGERALD of Massachusetts. I appreciate that, but the gentleman will admit that the men mustered out of service before the enactment of the law are just as much entitled to it as those mustered out afterwards.

Mr. HULL. It is covered already.

Mr. FITZGERALD of Massachusetts. I do not understand that it is.

The question was taken on the amendment offered by Mr. FITZGERALD of Massachusetts, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Iowa [Mr. HEDGE].

Mr. McRAE. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. If there is no objection, the amendment will again be reported.

There was no objection.

The Clerk again read the amendment.

Mr. McRAE. Mr. Chairman, I have an amendment to the amendment.

The Clerk read as follows:

Strike out the words "within the limit of the United States" and insert in place thereof "in the State;" also strike out the words "beyond the limits of the United States" and insert in place thereof "in Puerto Rico, Cuba, or the Philippine Islands."

Mr. McRAE. I offer this amendment, Mr. Chairman, so that there can be no question as to whom the pay is granted, and I hope the amendment will be accepted.

Mr. HEDGE. I can not accept the amendment, Mr. Chairman.

The amendment to the amendment offered by Mr. McRAE was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. HULL. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the bill as amended do pass.

Mr. STEELE. One moment, Mr. Chairman, before that motion is put. As I understand it, the amendment with reference to admissions to the Soldiers' Home was only intended to broaden or extend the authority now vested in the Board of Managers under existing laws with reference to admissions, and it is not intended to change the law with respect to the pensions of members. If it is found that it has done so, in the haste and confusion under which we have been proceeding, I am sure the chairman of the Committee on Military Affairs will see that it is corrected before the bill becomes a law, the prime object of the amendment being to extend the law so that soldiers serving in the Spanish and Philippine wars may be placed on the same footing with those of the war of the rebellion when the Home was established.

Mr. HULL. That is true.

The motion of Mr. HULL was then agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 8582, making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, and had directed him to report it back with sundry amendments, with the recommendation that as amended the bill do pass.

The SPEAKER. The gentleman from New York, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee has had under consideration House bill 8582, and has directed him to report it back with sundry amendments, with the recommendation that as amended it do pass.

Mr. HULL. Mr. Speaker, I move the previous question on the bill and amendments.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the question will be on agreeing to the amendments recommended by the committee.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

#### NAVIGATION ON SIMMONS REEF AND LANSING SHOAL.

Mr. BURTON. I ask unanimous consent for the present consideration of House joint resolution 168.

The joint resolution was read, as follows:

*Resolved, etc.*, That the Light-House Board be authorized and directed to remove the light-ship, No. 55, now on Simmons Reef, in Lake Michigan, near the Straits of Mackinac, to Lansing Shoal. And further, that the gas buoy on Lansing Shoal be removed, so as to take the place of said light-ship to be removed from Simmons Reef.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. RICHARDSON. I should like to ask whether this matter can not wait until the regular river and harbor bill is reported? Is there necessity for immediate action?

Mr. BURTON. This provision does not belong to the river and harbor bill. The joint resolution is reported by the Committee on Interstate and Foreign Commerce.

Mr. RICHARDSON. I thought it came from the Committee on Rivers and Harbors.

Mr. BURTON. It pertains to navigation in the northerly part of Lake Michigan. The shipping interests have petitioned for this change and also the different associations made up of the masters of boats which ply this lake.

Mr. RICHARDSON. Is this a unanimous report?

Mr. BURTON. It is.

Mr. CLARK of Missouri. Allow me to ask whether it is customary for the River and Harbor Committee to have charge of this sort of thing?

Mr. BURTON. The question of light-houses, light-ships, gas buoys, etc., does not come within the jurisdiction of that committee.

Mr. CLARK of Missouri. Well, let me ask, how is the River and Harbor Committee coming on with the river and harbor bill? I am somewhat interested in that. [Laughter.]

Mr. BURTON. The shipmasters of the lakes and the Lake Carriers' Association, representing the owners of vessels there, desired me to take charge of this matter, I presume, because they thought me somewhat familiar with these questions of navigation.

Mr. CLARK of Missouri. The gentleman has not answered my question. I asked him how the River and Harbor Committee were getting on with the river and harbor bill, and when it would probably be reported.

Mr. BURTON. Oh, we are getting on with it very nicely, I think. [Laughter.]

There being no objection, the House proceeded to the consideration of the joint resolution, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BURTON, a motion to reconsider the last vote was laid on the table.

#### WHITE VS. BOREING.

Mr. OLMSTED. On behalf of the Elections Committee No. 2 I present a privileged report—the report of that committee on the contested-election case of John D. White vs. Vincent Boreing, from the Eleventh Congressional district of Kentucky. The report is unanimous, and I think there will be no controversy upon its adoption. I ask unanimous consent for its immediate consideration.

The SPEAKER. This being a privileged matter, it does not require unanimous consent. The gentleman from Pennsylvania [Mr. OLMSTED] calls up a privileged report on an election case. The Clerk will read the resolutions appended to the report.

The Clerk read as follows:

*Resolved*, That John D. White was not elected to the Fifty-sixth Congress from the Eleventh Congressional district of Kentucky, and is not entitled to a seat therein.

*Resolved*, That Vincent Boreing was elected to the Fifty-sixth Congress from the Eleventh Congressional district of Kentucky, and is entitled to a seat therein.

Mr. ROBINSON of Indiana. Elections Committee No. 2 preserves its usual good record; it has united unanimously on this report.

Mr. STEELE. Under this report who goes out? It must be a Democrat that goes out if the report is unanimous. [Laughter.]

Mr. ROBINSON of Indiana. No, it is not. These parties both belong to the Republicans. They have been fighting among themselves. [Laughter.]

The question being taken, the resolutions were adopted.

On motion of Mr. OLMSTED, a motion to reconsider the last vote was laid on the table.



## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and House bill (with Senate amendments) of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2154. An act granting an increase of pension to William A. Owens—to the Committee on Invalid Pensions.

S. 1918. An act granting an increase of pension to John E. Higgins—to the Committee on Invalid Pensions.

S. 2651. An act granting a pension to Henry Hill—to the Committee on Invalid Pensions.

S. 3078. An act granting a pension to Charles Weittle—to the Committee on Pensions.

S. 3289. An act granting a pension to Isabella Underwood—to the Committee on Invalid Pensions.

S. 3662. An act granting an increase of pension to Louise D. Smith—to the Committee on Pensions.

S. 3418. An act granting an increase of pension to Eliza Adelaide Ball—to the Committee on Invalid Pensions.

S. 1578. An act granting an increase of pension to George W. Campbell, alias George W. Smith—to the Committee on Invalid Pensions.

S. R. 86. Joint resolution for the printing of English interpretation of foreign terms as to weights, measures, and so forth, occurring in Government publications—to the Committee on Printing.

S. R. 103. Joint resolution providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature—to the Committee on the Judiciary.

Senate concurrent resolution 39:

*Resolved by the Senate (the House of Representatives concurring). That upon receipt of information by them that any officer, soldier, marine, or seaman in the Army or Navy of the United States has been wounded, the Secretary of War or the Secretary of the Navy, as the case may be, shall, from time to time, at the expense of the United States, keep the family of such officer, soldier, marine, or seaman seasonably advised of his condition—*

to the Committee on Military Affairs.

H. R. 4001. An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona (with Senate amendments)—to the Committee on Indian Affairs.

## ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6627. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes;

H. R. 9279. An act making appropriations to supply additional urgent deficiencies in the appropriations of the fiscal year ending June 30, 1900, and for prior years, and for other purposes; and

H. R. 5067. An act concerning the boarding of vessels.

## WITHDRAWAL OF PAPERS.

Mr. VAN VOORHIS, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Charles Hansure, Fifty-sixth Congress, no adverse report having been made thereon.

## REPRINT OF BILL AND REPORT.

On motion of Mr. RICHARDSON, it was ordered that House bill No. 3363 and the report thereon, No. 606, be reprinted, to correct errors in the bill and report.

## LEAVE OF ABSENCE.

Mr. CONNELL, by unanimous consent, obtained leave of absence for six days, on account of important business.

And then, on motion of Mr. HULL (at 4 o'clock and 25 minutes p. m.), the House adjourned.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting copy of a communication from the Commissioner of Indian Affairs relating to the examination of the claims of certain Nez Percés Indians—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of State, transmitting a copy of a dispatch from the United States minister at Bangkok, Siam, relating to an allowance for repairing the legation premises—to the Committee on Foreign Affairs, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 2916) to grant right of way over Government lands for a pipe line for the conveyance of water to Flagstaff, Ariz., reported the same without amendment, accompanied by a report (No. 859); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10152) to provide for the sale of isolated and disconnected tracts or parcels of the Osage trust and diminished reserve lands in the State of Kansas, reported the same in lieu of H. R. 5758, accompanied by a report (No. 860); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7667) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced, reported the same with amendment, accompanied by a report (No. 872); which said bill and report were referred to the House Calendar.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred House bill 5017, reported in lieu thereof a bill (H. R. 10211) fixing the compensation of customs inspectors for night services in the examination of baggage, and for other purposes, accompanied by a report (No. 873); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4616) repealing the provisions of the desert-land act requiring cash payment for desert lands, and providing for the payment in desert-land entries of the same fees now required in the case of homestead entries, reported the same with amendment, accompanied by a report (No. 875); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9457) granting an increase of pension to Roger Fenton, reported the same with amendment, accompanied by a report (No. 834); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4658) to pension Anna Hering, reported the same with amendment, accompanied by a report (No. 835); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3778) granting an increase of pension to Ellsey A. Sloane, late private Company D, One hundred and second Ohio Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 836); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2409) granting an increase of pension to Frank C. Stevens, reported the same with amendment, accompanied by a report (No. 837); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1007) granting a pension to Mary E. Fenn, reported the same without amendment, accompanied by a report (No. 838); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2863) restoring to the pension roll the name of Francis H. Staples, reported the same without amendment, accompanied by a report (No. 839); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5655) granting a pension to Lurinda Laughlin, of Aurora, Ind., reported the same with amendment, accompanied by a report (No. 840); which said bill and report were referred to the Private Calendar.



He also, from the same committee, to which was referred the bill of the House (H. R. 9749) granting a pension to Melissa A. Trulock, reported the same with amendment, accompanied by a report (No. 841); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3490) granting a pension to Freeman H. Farr, reported the same with amendment, accompanied by a report (No. 842); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9944) granting an increase of pension to Albert Rudiger, reported the same without amendment, accompanied by a report (No. 843); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4440) to grant a pension to Harriet L. Hughes, widow of the late Maj. Chester K. Hughes, Company I, One hundred and forty-third Pennsylvania Volunteers, of Berwick, Pa., reported the same with amendment, accompanied by a report (No. 844); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8926) granting a pension to Chill W. Hazard, reported the same with amendment, accompanied by a report (No. 845); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7614) granting an increase of pension to David P. Stewart, reported the same with amendment, accompanied by a report (No. 846); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3481) granting a pension to Josephine A. Haley, reported the same with amendment, accompanied by a report (No. 847); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2125) for the relief of Thomas Robert Harris, of Marion County, Tenn., reported the same with amendment, accompanied by a report (No. 848); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9714) granting an increase of pension to Alexander N. Shipley, reported the same with amendment, accompanied by a report (No. 849); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8592) granting a pension to Elizabeth J. Fields, reported the same with amendment, accompanied by a report (No. 850); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4760) granting a pension to Samuel G. Trine, reported the same with amendment, accompanied by a report (No. 851); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8389) granting an increase of pension to Martin D. Miller, reported the same with amendment, accompanied by a report (No. 852); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1202) granting an increase of pension to Sarah E. Stubbs, reported the same without amendment, accompanied by a report (No. 853); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 820) granting an increase of pension to Anna M. Deitzler, reported the same with amendment, accompanied by a report (No. 854); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2332) granting an increase of pension to Margaret H. Kent, reported the same without amendment, accompanied by a report (No. 855); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1751) for the relief of Cordelia Sessions, reported the same with amendment, accompanied by a report (No. 856); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5718) granting a pension to Joseph Whitmore, reported the same with amendment, accom-

panied by a report (No. 857); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6285) granting an increase of pension to James R. Green, reported the same with amendment, accompanied by a report (No. 858); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1242) granting an increase of pension to Adele W. Elmer, reported the same with amendment, accompanied by a report (No. 861); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the Senate (S. 207) granting an increase of pension to Margaret E. Van Horn, reported the same with amendment, accompanied by a report (No. 862); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1127) granting an increase of pension to Hannah G. Strong, reported the same with amendment, accompanied by a report (No. 863); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1296) granting a pension to Mary R. Bacon, reported the same without amendment, accompanied by a report (No. 864); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2497) granting an increase of pension to Sarah W. Rowell, reported the same with amendment, accompanied by a report (No. 865); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1489) granting an increase of pension to Robert C. Rogers, reported the same with amendment, accompanied by a report (No. 866); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 474) granting an increase of pension to Isaac Patterson, reported the same without amendment, accompanied by a report (No. 867); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 995) granting an increase of pension to Nelly Young Egbert, reported the same with amendment, accompanied by a report (No. 868); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 517) granting a pension to Nancy E. Neely, reported the same with amendment, accompanied by a report (No. 869); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1804) granting an increase of pension to Rida B. Haskell, reported the same with amendment, accompanied by a report (No. 870); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2505) granting an increase of pension to James C. Carlton, reported the same with amendment, accompanied by a report (No. 871); which said bill and report were referred to the Private Calendar.

Mr. NEEDHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 1759) for the relief of William A. Richards, late surveyor-general of Wyoming, reported the same without amendment, accompanied by a report (No. 874); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10138) to remove the charge of desertion against George C. Armstrong; and the same was referred to the Committee on Military Affairs.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MILLER, from the Committee on the Public Lands: A bill (H. R. 10152) to provide for the sale of isolated and disconnected tracts or parcels of the Osage trust and diminished reserve lands in the State of Kansas—to the Union Calendar.



By Mr. CUSHMAN: A bill (H. R. 10153) appropriating \$1,500 to investigate the fishery interest of the Pacific coast—to the Committee on the Merchant Marine and Fisheries.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 10154) to amend section 4488, Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. PARKER of New Jersey: A bill (H. R. 10155) for the relief of the island of Puerto Rico—to the Committee on Ways and Means.

By Mr. ADAMS: A bill (H. R. 10156) to incorporate the National Association of Manufacturers—to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 10157) regulating the acceptance of proof in certain pension claims—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 10211) fixing the compensation of customs inspectors for night services in the examination of baggage, and for other purposes—to the Committee of the Whole House on the state of the Union.

By Mr. ROBERTS: A joint resolution (H. J. Res. 219) for the renovation of statues and busts in and about the United States Capitol building—to the Committee on the Library.

Also, a joint resolution (H. J. Res. 220) authorizing the Secretary of War to prepare and submit estimates for the improvement of the harbor at Lynn, Mass.—to the Committee on Rivers and Harbors.

By Mr. SNODGRASS: A joint resolution (H. J. Res. 221) for the further improvement of the Cumberland River, in the State of Tennessee—to the Committee on Rivers and Harbors.

By Mr. DRIGGS: A resolution (H. Res. 202) providing for the appointment of a select committee of nine members to investigate matters relating to the transport *Sumner* and other transports—to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOREING: A bill (H. R. 10158) to pension William R. Coyle—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 10159) granting a pension to Arthur V. Walsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10160) granting an increase of pension to Sarah E. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10161) granting a pension to J. E. Latta—to the Committee on Invalid Pensions.

By Mr. BROSIUS: A bill (H. R. 10162) to advance Maj. Gen. Galusha Pennypacker, United States Army, from the rank of colonel on the retired list to the rank of major-general on the retired list—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 10163) granting a pension to J. Lavenia Childs—to the Committee on Invalid Pensions.

By Mr. CARMACK: A bill (H. R. 10164) for the relief of the estate of Dr. Jesse Brown, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10165) for the relief of the estate of Thomas Williams, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10166) for the relief of Edwin T. Yancey, of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. COUSINS: A bill (H. R. 10167) granting an increase of pension to Stephen Winans—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 10168) for the relief of E. A. See'ey—to the Committee on Claims.

By Mr. DENNY: A bill (H. R. 10169) for the relief of Betsey Jones, widow of Joseph Jones—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 10170) to remove the charge of desertion from the military record of Noah Cox—to the Committee on Military Affairs.

Also, a bill (H. R. 10171) granting a pension to Elizabeth Morrison—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 10172) for the relief of the estate of George W. and Richard B. Cooper, late of Knox County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10173) for the relief of William E. Scott, Blount County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10174) for the relief of the estate of Isaac Hull, deceased, late of Jefferson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10175) for the relief of William Line, of Jefferson County, Tenn.—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 10176) granting an increase

of pension to Franklin W. Wright—to the Committee on Invalid Pensions.

By Mr. KETCHAM (by request): A bill (H. R. 10177) granting a pension to Mary Taffe—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 10178) for the relief of the trustees of the Methodist Episcopal Church South, of Cleveland, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10179) for the relief of R. B. Warren, of Pelham, Grundy County, Tenn.—to the Committee on War Claims.

By Mr. OTEY (by request): A bill (H. R. 10180) for the relief of the heirs of Mary N. Cox, deceased, late of Lunenburg County, Va.—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 10181) granting a pension to C. A. Craig—to the Committee on Invalid Pensions.

By Mr. RYAN of Pennsylvania: A bill (H. R. 10182) granting a pension to Elizabeth Bachman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10183) granting an increase of pension to Robert A. Reid—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 10184) granting an increase of pension to Archa P. Smith—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 10185) for the relief of the legal representative of John H. North, deceased—to the Committee on War Claims.

By Mr. CROWLEY: A bill (H. R. 10186) to correct the record of Allen Byers—to the Committee on Military Affairs.

By Mr. DE GRAFFENREID: A bill (H. R. 10187) for the relief of Sophronia Atwood Paige—to the Committee on War Claims.

By Mr. DALY of New Jersey: A bill (H. R. 10188) for the relief of George W. Spencer—to the Committee on Military Affairs.

By Mr. ADAMS: A bill (H. R. 10189) granting an increase of pension to Anna B. McCurley—to the Committee on Pensions.

By Mr. FITZPATRICK: A bill (H. R. 10190) for the relief of Samuel May, sr., of Prestonsburg, Floyd County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 10191) placing on the muster rolls of the United States Army the First Regiment Kentucky Capital State Guards, Big Sandy Volunteer Battalion—to the Committee on Military Affairs.

Also, a bill (H. R. 10192) for the relief of the Sixty-fifth Enrolled Militia, of Johnson County, Ky.—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 10193) granting a pension to John Douglas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10194) granting a pension to Jerome W. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10195) for the relief of Kenzie H. Grandy—to the Committee on Military Affairs.

Also, a bill (H. R. 10196) for the relief of Robert B. Tubbs—to the Committee on Military Affairs.

Also, a bill (H. R. 10197) for the relief of Samuel Whiteherse—to the Committee on Military Affairs.

Also, a bill (H. R. 10198) for the relief of John A. Bishop—to the Committee on Military Affairs.

Also, a bill (H. R. 10199) granting an increase of pension to Henry Daley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10200) granting an increase of pension to Charles L. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10201) granting an increase of pension to John G. McMillan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10202) granting an increase of pension to Helen Mervine—to the Committee on Invalid Pensions.

By Mr. GASTON: A bill (H. R. 10203) granting a pension to Rachel Wooding—to the Committee on Pensions.

Also, a bill (H. R. 10204) granting a pension to Angie T. Myer—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 10205) for the relief of Commander A. G. Kellogg, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. MEYER of Louisiana: A bill (H. R. 10206) to authorize the legal representatives of the estate of George E. Payne, deceased, to prosecute his claim before the Court of Claims—to the Committee on War Claims.

By Mr. WISE: A bill (H. R. 10207) granting a pension to Thomas Allen—to the Committee on Pensions.

Also, a bill (H. R. 10208) for the relief of the Baptist Church at Williamsburg, Va.—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 10209) to remove the charge of desertion from the record of John W. White, late private, Company E, Thirteenth Pennsylvania Cavalry—to the Committee on Military Affairs.

By Mr. GRAFF: A bill (H. R. 10210) granting a pension to Ellen Miles Brown—to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 10212) for the relief of J. M. Thomas—to the Committee on War Claims.



Also, a bill (H. R. 10213) for the relief of the estate of August Heberlein—to the Committee on War Claims.

Also, a bill (H. R. 10214) for the relief of M. B. Woodyard, Mrs. Alice N. Rush, Mrs. Sue T. Smox, and Joseph N. Woodyard, heirs of Col. Humphrey M. Woodyard—to the Committee on War Claims.

Also, a bill (H. R. 10215) for relief of Mary F. Pollan, administratrix of William H. Pollan, deceased, late of Crittenden County, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 10216) for the relief of the estate of A. C. Kerr, deceased, late of Jackson County, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 10217) for the relief of the estate of Richard Higgins, late of Phillips County, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 10218) for the relief of the estate of John Caruth, deceased, late of Marshall County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10219) for the relief of Martha A. Lanford—to the Committee on War Claims.

Also, a bill (H. R. 10220) for the relief of Theophilus M. Hamilton, of Cross County, Ark.—to the Committee on War Claims.

By Mr. WISE: A bill (H. R. 10221) for the relief of P. F. Eagan—to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Communication from Col. Clifford D. Ham, of the Herald Printing Company, Dubuque, Iowa, transmitting resolutions of the American Newspaper Publishers' Association, asking for an inquiry into the price of printing paper as affected by the trusts—to the Committee on the Judiciary.

By Mr. BABCOCK: Petition of citizens of Montfort, Wis., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, resolution of Will Hickok Post, No. 124, of Bloomington, Wis., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BOUTELLE of Maine: Petition of citizens of Sherman and Dexter, Me., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BUTLER: Petition of the Baptist Church of Oxford, Pa., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. CARMACK: Papers to accompany House bill relating to the claim of the estate of Jesse Brown—to the Committee on War Claims.

By Mr. CROWLEY: Papers to accompany House bill to correct the record of Allen Byers—to the Committee on Military Affairs.

Also, resolutions of Post No. 639, of Jewett, Ill., Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DAHLE of Wisconsin: Petition of citizens of Lake Mills and Waterloo, Wis., against the passage of House bill No. 5791, providing for the collection of judgments against municipal corporations—to the Committee on the Judiciary.

Also, resolutions of William Payne Post, No. 186, of Pardeeville, Wis., Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DAVIS: Petition of P. H. Sheridan Post, No. 15, of Fernandina, Fla., Grand Army of the Republic, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DE GRAFFENREID: Paper to accompany House bill for the relief of Sophronia A. Paige—to the Committee on War Claims.

By Mr. DOLLIVER: Petition of D. L. Hoefle, druggist, at Beaver, Iowa, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. DOUGHERTY: Papers to accompany House bill to remove the charge of desertion now standing against Noah Cox, of Grant City, Mo.—to the Committee on Military Affairs.

Also, paper to accompany House bill granting a pension to Elizabeth Morrison—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of retail druggists of La Crosse, Wis., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of the Congregational Church of Sparta, Wis., urging the passage of House bill No. 5457, abolishing the Army cauteen—to the Committee on Military Affairs.

By Mr. GROSVENOR: Papers to accompany bill for the relief of Commander Augustus G. Kellogg, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. GROUT: Petitions of A. B. Breman and 40 citizens of Fairfax, and resolutions of the Lima County Farmers' Institute, at Springville, Iowa, favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. HEMENWAY: Petition of citizens of Newburg and Boonville, Ind., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. HITT: Memorial of J. M. Smith Post, No. 720, and David Hill Post, No. 532, Grand Army of the Republic, of Elizabeth, Ill., favoring the passage of House bill No. 7094—to the Committee on Military Affairs.

Also, resolution of the Savanna Republican Club, of Savanna, Ill., protesting against the imposition of a tariff on commerce between the United States and Puerto Rico—to the Committee on Ways and Means.

Also, petitions of C. W. Singlehurst and others, of Lupton and Caledonia, Ill., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. HOFFECKER: Petition of the Woman's Christian Temperance Union of Wilmington, Del., for a new code of laws for Hawaii, forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. HOWELL: Petition of James H. Dandy Post, No. 43, of Perth Amboy, N. J., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. JONES of Virginia: Petitions of the Concord, Bowling Green, and Wrights Chapel Woman's Christian Temperance unions, of Caroline County, Va., favoring a new code of laws for Hawaii, against the manufacture and sale of intoxicating liquors, and prohibiting the importation and sale of opium, etc.—to the Committee on the Territories.

By Mr. LACEY: Resolution of J. M. Tuttle Post, No. 497, of South Ottumwa, Iowa, Grand Army of the Republic, favoring the location of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the Chicago Federation of Labor, against sundry bills taxing oleomargarine and butterine—to the Committee on Ways and Means.

By Mr. MANN: Petition of the National Woman's Christian Temperance Union, Chicago, to prohibit the sale of intoxicating liquors in any post, exchange, canteen, transport, or premises used for military purposes—to the Committee on Military Affairs.

Also, paper to accompany House bill No. 9756, for the relief of Maria McMurdie—to the Committee on Claims.

Also, papers to accompany House bill No. 5184, for the relief of E. C. Sturges—to the Committee on War Claims.

By Mr. MOON: Papers and photograph to accompany House bill for the relief of R. B. Warren, late wagon master, First United States Cavalry—to the Committee on War Claims.

Also, papers to accompany House bills for the relief of the trustees of the Methodist Episcopal Church of Cleveland, Tenn.—to the Committee on War Claims.

By Mr. NEVILLE: Papers to accompany House bill No. 9427, for the correction of the military record of Robert Ellison, deceased—to the Committee on Military Affairs.

By Mr. NORTON of Ohio: Paper to accompany House bill No. 10130, granting a pension to James Moss—to the Committee on Invalid Pensions.

By Mr. OTJEN: Petition of R. M. Dadd and others, of Milwaukee, Wis., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of the Wholesale Grocers' Association of Indiana, relative to House bill No. 7097, providing for a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. POWERS: Resolutions of J. M. Warner Post, of Morrisville, Vt., Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the New York Board of Trade and Transportation, favoring free trade with Puerto Rico—to the Committee on Insular Affairs.

Also, petition of citizens of Chippenhook and Clarendon Springs, Vt., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. ROBINSON of Indiana: Resolution of S. C. Aldrich Post, No. 138, of Hudson, Ind., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers at Johnson City, Tenn.—to the Committee on Military Affairs.



Also, petition of various congregations of the Disciples of Christ in Northern Indiana, for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, petition of Harvey K. Turner, of Fort Wayne, and citizens of Sheldon and Chamberlain, Ind., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. SHOWALTER: Resolutions of Post No. 530, of Bruin, and Post No. 251, of New Lebanon, Grand Army of the Republic, Department of Pennsylvania, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: Petition of citizens of Idaho, for free homesteads—to the Committee on the Public Lands.

By Mr. WISE: Paper to accompany House bill for the relief of the Williamsburg Baptist Church—to the Committee on War Claims.

## SENATE.

FRIDAY, March 30, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CLAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

### PETITIONS AND MEMORIALS.

Mr. SPOONER presented the petition of A. A. Pardee and 66 other citizens of Madison, Wis., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented the petition of Alexander Nelson and 92 other citizens of Wisconsin, praying for the imposition of a tariff or special internal-revenue duty upon tobacco imported into the United States from Cuba or Puerto Rico; which was ordered to lie on the table.

He also presented a petition of the La Crosse Branch of the Humane Society of Wisconsin, praying for the enactment of legislation regulating the transportation of live stock from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of Robert C. Spencer and 3 other citizens of Milwaukee, Wis., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. QUARLES presented a memorial of the Society of Christian Endeavor of Racine, Wis., remonstrating against the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

Mr. LODGE. I present resolutions of the legislature of the Commonwealth of Massachusetts, favoring the establishment of a harbor of refuge at Pleasant Bay, on the eastern shore of Cape Cod. I ask that the resolutions be read and referred to the Committee on Commerce.

The resolutions were read, and referred to the Committee on Commerce, as follows:

#### COMMONWEALTH OF MASSACHUSETTS.

In the year one thousand nine hundred.

Resolutions in favor of the establishment of a harbor of refuge at Pleasant Bay, on the eastern shore of Cape Cod.

Whereas the preservation of life and property requires the establishment of a harbor of refuge upon the eastern shore of Cape Cod, which now contains no safe harbor for a distance of more than 50 miles; and

Whereas by cutting an opening through Nauset Beach, such a harbor might easily be constructed at Pleasant Bay, lying between Chatham, Orleans, and Harwich, which is entirely landlocked, and which has an average depth of more than 25 feet: Therefore,

Resolved, That the general court of Massachusetts earnestly requests the Congress of the United States to provide that surveys be ordered, and that an appropriation be made for the construction of the said harbor of refuge; and

Resolved, That properly attested copies of these resolutions be transmitted to the United States Senate and to the House of Representatives, and also to each Senator and Representative in Congress from this Commonwealth.

SENATE, March 12, 1900.

Adopted: Sent down for concurrence.

HENRY D. COOLIDGE, Clerk.

HOUSE OF REPRESENTATIVES, March 15, 1900.

Adopted in concurrence.

JAMES W. KIMBALL, Clerk.

A true copy.

Attest:

HENRY D. COOLIDGE, Clerk of the Senate.

Mr. FORAKER presented a memorial of the congregation of the Christian Church of Norwood, Ohio, and a memorial of the congregation of the Presbyterian Church of Deersville, Ohio, re-

monstrating against the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

Mr. DEPEW presented a petition of the Niagara Woman's Christian Temperance Union, of Buffalo, N. Y., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was ordered to lie on the table.

He also presented a petition of the congregation of the Friends' Church of Clintondale, N. Y., praying for the enactment of legislation to suppress gambling, including bookmaking on races in the District of Columbia and the Territories, and interstate gambling by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the New York Board of Trade and Transportation, praying for the appointment of a national health commission; which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of sundry citizens of Saratoga Springs, Ballston, and Sandy Hill, all in the State of New York, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the American Bar Association, praying for the adoption of certain amendments to the war-revenue law; which was referred to the Committee on the Judiciary.

He also presented a petition of the drug-trade section of the New York Board of Trade and Transportation, praying for the enactment of legislation relative to the use of alcohol in the arts; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Friends' Church of Clintondale, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Soldiers' Homes, hospitals, etc.; which was referred to the Committee on Military Affairs.

He also presented a petition of the Niagara Woman's Christian Temperance Union, of Buffalo, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Army; which was referred to the Committee on Military Affairs.

Mr. MASON presented a memorial of the Chamber of Commerce of Quincy, Ill., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Illinois Manufacturers' Association, praying for the establishment of a pneumatic-tube system in Chicago; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Julia Holmes Smith, president; Elizabeth H. Bull and Martha Spencer Dietz, vice-presidents, and Elizabeth M. Fifield, secretary, on behalf of the Political Equality League, of Chicago, Ill., praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of Plow Fitters' Union No. 7044, American Federation of Labor, of Moline, Ill., praying that all the remaining public lands be held for the benefit of the whole people, and that the grants of title to the same be given to none but actual settlers and home builders thereon; which was referred to the Committee on Public Lands.

He also presented memorials of the Evangelisten, of Chicago; the Journal, of Tallula; the Vienna Democrat; the Herald, of Arcola; the Democratic Herald, of Lawrenceville; the Commercial, of Mattoon; the Ottawa Daily and Weekly Free Trader, of Ottawa; the Sunday Optic, of Quincy; the Index, of Wenona, and the Sidney By-Way, of Sidney, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

### REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8395) granting an increase of pension to Henry Johns;

A bill (H. R. 2203) granting an increase of pension to John M. Garrett;

A bill (H. R. 7445) granting a pension to Emma B. Reed; and

A bill (H. R. 5169) granting an increase of pension to Charles Weed.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C., reported it without amendment, and submitted a report thereon.